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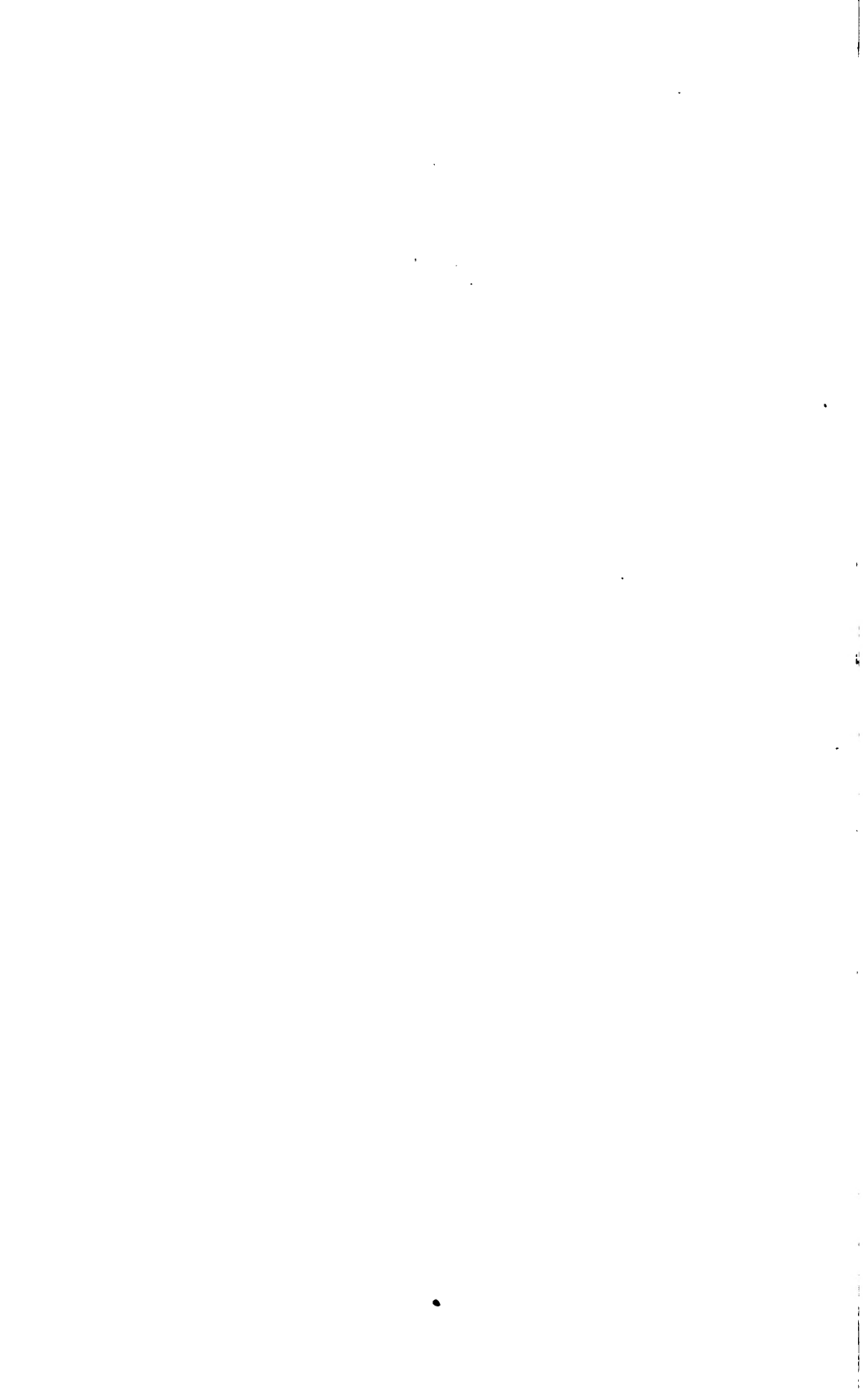


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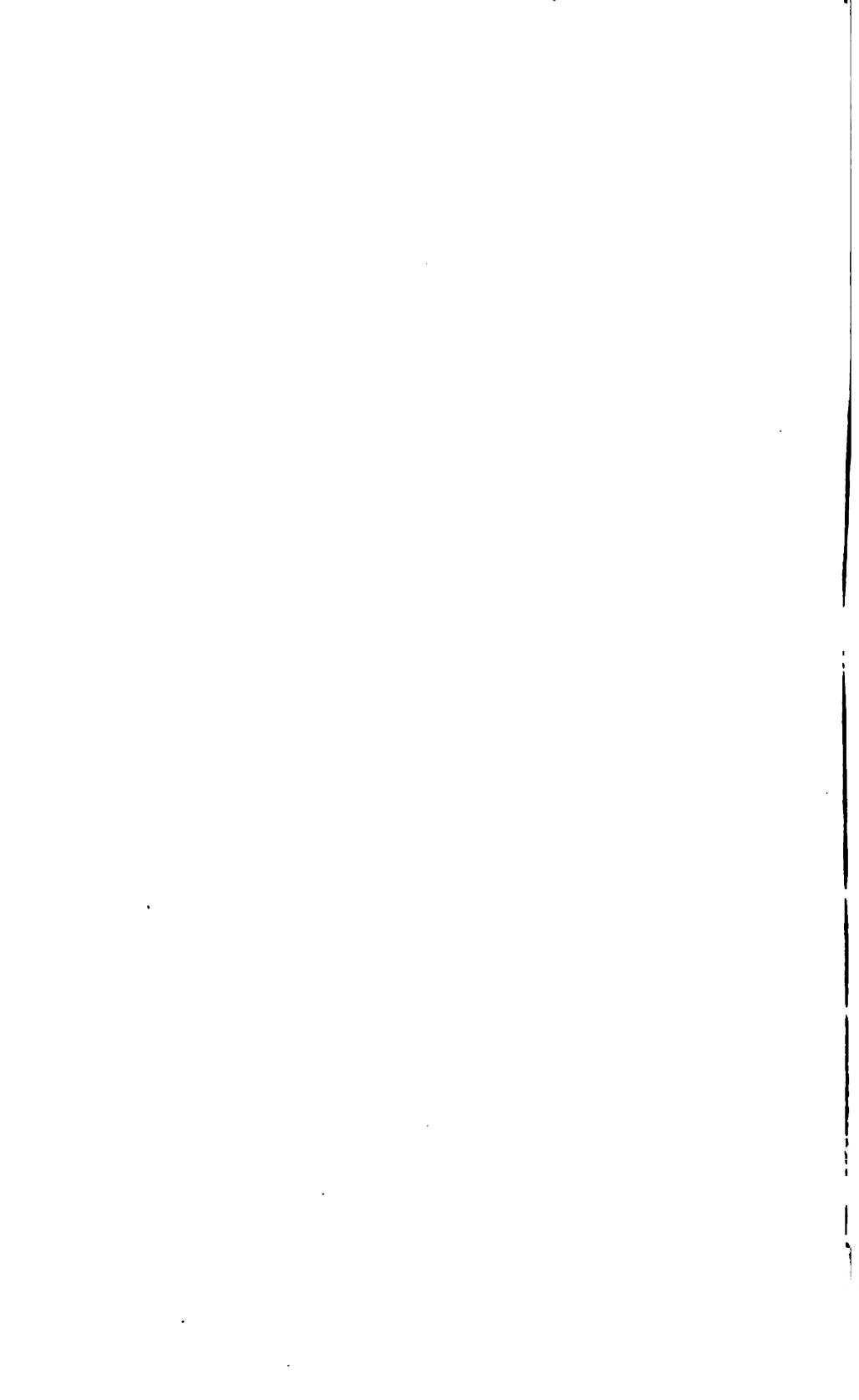








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**HISTORY**  
**OF**  
**SCOTLAND.**



**HISTORY**  
**OF**  
**SCOTLAND.**

**By PATRICK FRASER TYTLER, Esq.**

**F.R.S.E. AND F.A.S.**

**VOLUME II.**

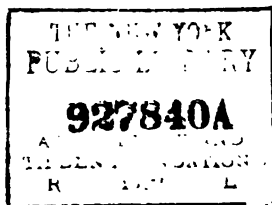
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## PREFACE.

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It may not be improper to state, that the greater part of this Second Volume is founded upon documents which have not been examined by any writer of Scottish History. Of these, some have been published considerably subsequent to the date of the composition of any other history. Other most valuable records have been consulted, which, although transcribed and partly printed, are not yet communicated to the public. To the first class belongs the great national work printed, in the years 1814 and 1819, at the expense of Government, by command of his late Majesty, entitled "*Rotuli Scotiæ*," the publication of which was originally suggested by the present learned Deputy-Clerk-Register, Mr Thompson, and committed to the superintend-

ence of Mr David Macpherson, the able Editor of Winton's Chronicle. It consists of two very large folio volumes, embracing a collection of historical records, relative to the political transactions between England and Scotland, from the nineteenth year of the reign of Edward the First to the eighth of Henry the Eighth. These records consist of rolls, which are preserved in the Tower and the Chapter-House at Westminster ; and, although the series is not quite complete, and, owing to their being exclusively written in Latin or in Norman French, the work is uninviting to the general reader, it is not too much to say, that, considered as materials for authentic history, the "*Rotuli Scotiæ*" is one of the most valuable presents which could have been made to the country. To the second class of documents, those printed but not published, belongs the folio volume which has been quoted in this work, under the title of "*Robertson's Parliamentary Records*," also printed by direction of Government in 1804, but cancelled

and withdrawn, owing to some defects in the arrangement; and the voluminous and valuable work, the "Accounts of the Great Chamberlains of Scotland," of which a more full notice is given in the Appendix.

From the materials furnished by these records, as well as from other sources, to which it is unnecessary here to allude, I have endeavoured to give clearness and consistency to a portion of history hitherto in many places obscure—the reign of David the Second, which immediately preceded the accession of the House of Stewart to the throne. It was during this period that Edward the Third attempted to make himself master of Scotland, both by force of arms and by political intrigue; and that the country, although four times invaded by this able and victorious prince in person, deserted by a part of its nobility, and betrayed by its king, contrived successfully to maintain its liberty. I have been accused of injustice in delineating the character of Edward the First, and of being actuated by a national bias;

and, although anxious to weigh with scrupulous impartiality the characters of the principal actors in the scenes which I have described, it is possible I may have been unable wholly to divest myself of individual feelings. Yet, in writing the history of a brave people, resolutely struggling for their independence under circumstances of peculiar discouragement, it is difficult to be a friend of freedom and not to sympathize with their sufferings,—not to feel indignation at unjust aggression, and satisfaction when the attempt is met with disappointment and defeat. And surely, if the circumstance, that it was an English Monarch who was misled, by the spirit of ambition and conquest, into a glaring disregard of the most sacred rights and sanctions, had induced the historian to dilute his censure, or to assume a tone of palliation and apology, there would have been room for a severer, because a more merited, impeachment, in which every man who has tasted the sweetness of freedom, or felt the insolence of conquest, would have

risen in witness against him. I am far from being blind to the great qualities of Edward the First; but it is with this king in his transactions with Scotland that a historian of Scotland has to do, and not with his character as an English King.

In the "Enquiry into the State of Ancient Scotland," it was my object to communicate authentic information upon the general appearance of the country; its ancient feudal constitution; the manners and amusements, the superstitions and character, of its people; its progress in agriculture, commerce, and manufactures; and its advancement in the arts which add comfort or ornament to life. I have attempted to direct the spirit of antiquarian research, which is too often applied in the investigation of questions of inferior moment, to the elucidation of subjects of general interest and importance: But the task has not been one of easy execution; and I have only to hope, that all who are acquainted with the difficulty of procuring information where the

period is so remote, and the materials are to be derived from such various and scattered sources, will, on this ground, make allowance for the errors into which I may have fallen, and the imperfections which accompany such an investigation.

MELVILLE STREET,  
28TH MARCH, 1829.

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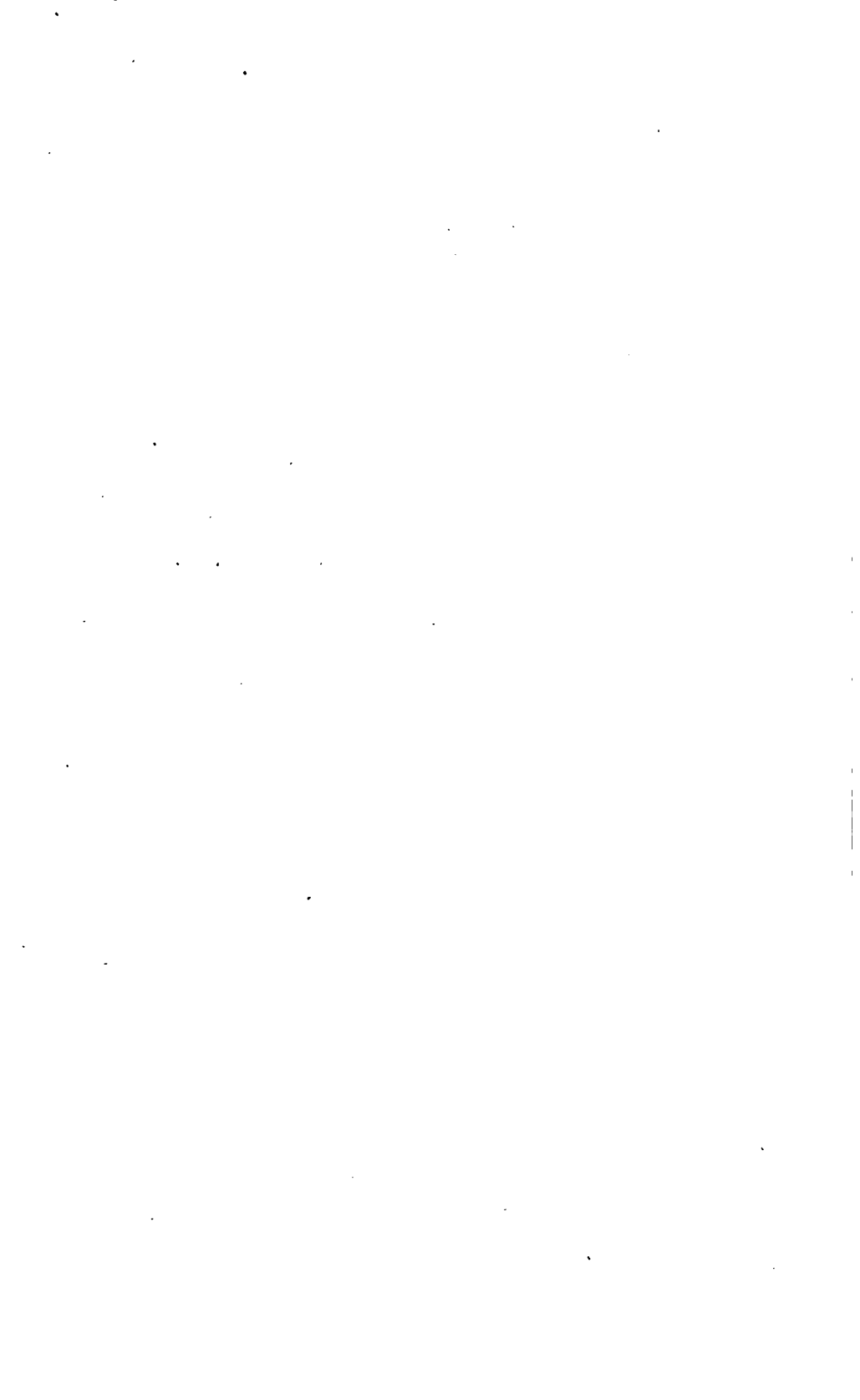
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# HISTORY OF SCOTLAND.

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## CHAP. I.

### DAVID THE SECOND.

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#### CONTEMPORARY PRINCES.

<i>Kings of England.</i>	<i>Kings of France.</i>	<i>Popes.</i>
Edward III.	Philip of Valois.	John XXII. Benedict XII. Clement VI. Innocent VI. Urban V.

---

ON the death of Bruce, Scotland, delivered from a long war by a treaty equally honourable and advantageous, was yet placed in very perilous circumstances. The character of Edward the Third had already begun to develope those great qualities, amongst which a talent for war, and a thirst for conquest and military renown, were the most conspicuous. Compelled to observe the letter of the recent treaty of Northampton, this Prince soon showed that he meant to infringe its spirit and disregard its most solemn sanctions, by every method of private intrigue and concealed hostility. With a greater regard for the decencies of public opinion than his grandfather Edward the First, he was yet as thoroughly bent upon

the aggrandisement of his dominions. Unwilling to bring upon himself the odium and unpopularity of an open breach of so recent and sacred a treaty, cemented as it was by a marriage between King David and his sister, Edward's policy was to induce the Scots themselves to infringe the peace by the private encouragement which he gave to their enemies, and then to come down with an overwhelming force and reduce the kingdom.<sup>1</sup> Against these designs there were many circumstances which prevented Scotland from making an effectual resistance. Randolph was indeed nominated Regent, and the talents of this great man in the arts of civil government, appear to have been as conspicuous as in war ; but he was now aged, and could not reasonably look to many more years of life. Douglas, whose genius for military affairs was, perhaps, higher than even that of Randolph, was soon to leave the kingdom on his expedition to the Holy Land ; and the powerful faction of the Comyns still viewed the line of Bruce with the most persevering hatred, and showed themselves ready to rise upon the first opportunity against the government of his son. Nor was this opportunity long of presenting itself. Edward, the eldest son of John Baliol, had chiefly resided in France since his father's death, but he now came to England, and with the private connivance

<sup>1</sup> It is unfortunate that the *Rotuli Scotie*, from which the most authentic and valuable materials for Scottish history are to be drawn, are wanting from the first year to the seventh of the reign of Edward the Third. *Rotuli Scot.* p. 224. From 22d January, 1327-8, to 1st April, 1333.

of Edward the Third, began to organize a scheme for the recovery of the Scottish crown. Dornagilla, the mother of Baliol, was sister-in-law to the Red Comyn, whom King Robert Bruce had stabbed at Dumfries, so that the rights of the new claimant were immediately supported by the whole weight of the Comyns; and, no longer awed by the commanding mind of Bruce, disputes and heart-burnings arose amongst the Scottish nobility, at a time when a concentration of the whole strength of the nation was imperiously required.

To return to the course of our narrative, Randolph, upon the death of Bruce, immediately assumed the office of Regent, and discharged its duties with a wise and judicious severity. He was indefatigable in his application to business, and his justice was as bold and speedy as it was impartial. An instance of it has been preserved by Bower.<sup>1</sup> A priest was slain, and the murderer, having gone to Rome and obtained the Papal absolution, had the audacity to return openly to Scotland. He was seized and brought before Randolph, who was then holding his court at Inverness, during a progress through the country. He pleaded the absolution, but at the command of the Regent was tried, condemned, and instantly executed. The Pope, it was remarked by Randolph, might absolve him from the spiritual consequences of the sin, but it was nevertheless right that he should suffer for the crime committed against the law. Aware of

<sup>1</sup> Fordun's *Scotichron.* a Goodal C. 18, book xiii. vol. ii. p. 297.

the important influence of the local magistrates and judges, he made every sheriff responsible for the thefts committed within his jurisdiction ; so that, according to the simple illustrations of the chronicles of those times, the traveller might tie his horse to the inn-door, and the ploughman leave his ploughshare and harness in the field, without fear, for if carried away, the price of the stolen article came out of the pocket of the sheriff. Anxious for the continuance of peace, Randolph sent Roger of Fawside on an amicable mission to the English king, whilst he took care at the same time to strengthen the borders, to repair the fortifications of the important town of Berwick, and commanded John Crab, the experienced Flemish mercenary, whom he retained in the pay of Scotland, to remain in that city, and keep a watch upon the motions of England.<sup>1</sup>

In the meantime, as soon as the season of the year permitted, Douglas, having the heart of his beloved master under his charge, set sail from Scotland, accompanied by a splendid retinue, and anchored off Sluys in Flanders, at this time the great seaport of the Netherlands.<sup>2</sup> His object was to find out companions with whom he might travel to Jerusalem ; but he declined landing, and for twelve days received all visitors on board his ship with a state almost kingly. He had with him seven noble Scottish knights, and was served at table by twenty-eight squires of the

<sup>1</sup> Fordun a Goodal, vol. ii. p. 297. Winton, vol. ii. p. 139. Chamberlain's Accounts, pp. 171, 227, 228. See Appendix, A.

<sup>2</sup> Rymer's *Fœdera*, vol. iv. p. 400.

first families in the country. "He kept court," says Froissart, "in a royal manner, with the sound of trumpets and cymbals; all the vessels for his table were of gold and silver, and whatever persons of good estate went to pay their respects to him, were entertained with the richest kinds of wine and spiced bread.<sup>1</sup> At Shuys he heard that Alonzo, the King of Leon and Castile, was carrying on war with Osmyn, the Moorish governor of Granada. The religious mission which he had embraced, and the vows he had taken before leaving Scotland, induced Douglas to consider Alonzo's cause as a holy warfare; and before proceeding to Jerusalem, he first determined to visit Spain, and to signalize his prowess against the Saracens. But his first field against the infidels proved fatal to him, who, in the long English war, had seen seventy battles.<sup>2</sup> The circumstances of his death were striking and characteristic. In an action near Theba, on the borders of Andalusia, the Moorish cavalry were defeated; and after their camp had been taken, Douglas with his companions engaged too eagerly in the pursuit, and being separated from the main body of the Spanish army, a strong division of the Moors rallied and surrounded them. The Scottish knight endeavoured to cut his way through the infidels, and in all probability would have succeeded, had he not again turned to rescue Sir William Saint Clair of Roslin, whom he saw in extreme jeopardy. In at-

<sup>1</sup> Froissart, p. 117, vol. i. Ed. de Buchon.

<sup>2</sup> Fordun a Goodal, p. 302. vol. ii.

attempting this, he was inextricably involved with the enemy. Taking from his neck the casket which contained the heart of Bruce, he cast it before him, and exclaimed with a loud voice, "Now pass onward as thou wert wont, and Douglas will follow thee or die."<sup>1</sup> The action and the sentiment were heroic—and they were the last words and deed of a heroic life, for Douglas fell, overpowered by his enemies; and three of his knights, and many of his companions, were slain along with their master.<sup>2</sup> On the succeeding day, the body and the casket were both found on the field, and by his surviving friends conveyed to Scotland. The heart of Bruce was deposited at Melrose, and the body of the "Good Sir James," the name by which he is affectionately remembered by his countrymen, was consigned to the cemetery of his fathers in the parish church of Douglas.

Douglas was the model of a noble and accomplished knight, in an age when chivalry was in its highest

<sup>1</sup> Barbour & Pinkerton, vol. iii. p. 171.

<sup>2</sup> The three knights were Sir William Sinclair of Roslin, Sir Robert and Sir Walter Logan. Boece, who might have consulted Bower in his continuation of Fordun, or Barbour, prefers his own absurd inventions, which he substitutes at all times in the place of authentic history. Buchanan, B. 8. c. 58, erroneously states that Douglas went to assist the King of Arragon, and that he was slain "*post aliquot prosperas pugnas*." In Buchon's *Notes to Froissart*, vol. i. p. 118, we find "that the object of the Moors was to raise the siege of Gibraltar, then straitly invested by the Spaniards. On their approach, Alonzo raised the siege, and marched against the enemy. Hume of Godscroft, in his *Hist. of Douglas and Angus*, vol. i. p. 96, adopts Boece's Fable as to Douglas having been thirteen times victorious over the Saracens.

splendour. He was gentle and amiable in society, and had an open and delightful expression in his countenance, which could hardly be believed by those who had only seen him in battle. His hair was black and a little-grizzled ; he was broad-shouldered, and somewhat large-boned, but his limbs were cast in the mould of fair and just proportion. He lisped a little in his speech ; but this defect, far from giving the idea of effeminacy, became him well, when contrasted with his high and warlike bearing.<sup>1</sup> These minute touches, descriptive of so great a man, were communicated by eye-witnesses to Barbour, the historian of Bruce.

The good Sir James was never married ; but he left a natural son, William Douglas, who inherited the high military talents of his father, and with whom we shall soon meet, under the title of the Knight of Liddesdale.

Soon after this disaster, which deprived Scotland of one of its best defenders, David, then in his eighth year, and his youthful queen, were crowned with great pomp and solemnity at Scone,<sup>2</sup> on which occasion the royal boy, after having been himself knighted by Randolph the Regent, surrounded by his barons and nobles, conferred knighthood on the Earl of Angus, Thomas Earl of Moray, Randolph's eldest son, and others of his nobles. His father Robert, in consequence of his disagreement with the court of Rome, had never been anointed King ;<sup>3</sup> but in virtue of a

<sup>1</sup> Barbour, p. 15.

<sup>2</sup> Fordun & Goodal, vol. ii. p. 302.

<sup>3</sup> Winton, B. 8. c. 24, p. 137, vol. ii.



special bull from the Pope, the Bishop of St Andrews poured the holy oil on the head of his successor.<sup>1</sup>

Notwithstanding the wise administration of Randolph, the aspect of public affairs in Scotland began to be alarming, and the probability of a rupture with England became every day more apparent. The designs of Edward Baliol, and the dissembling conduct of Edward the Third, have been already alluded to, and it unfortunately happened that there were circumstances in the present state of Scotland which gave encouragement to these schemes of ambition. During the wars of King Robert, many English barons who had been possessed of estates in Scotland, and not a few Scottish nobles who had treacherously leagued with England, were disinherited by Bruce, and the lands seized in the hands of the crown. By the treaty of Northampton, it was expressly provided that the Scottish estates of three of those English barons, Henry Percy, Thomas Lord Wake, and Henry Beaumont, should be restored. Percy was restored accordingly, but, notwithstanding the repeated requisitions of the English King, the Scottish Regent delayed performance of the stipulations in favour of Wake and Beaumont, and there were strong reasons

<sup>1</sup> The coronation oath, in its full extent, is not given by any ancient historian; but in one part of it the King solemnly swore that he would not alienate the crown lands, or any of the rents of the same, and that whatever lands or revenues fell to the crown, should not be bestowed upon subjects without mature advice.—Robertson's *Parl. Records of Scotland*, p. 97.

both in justice and expediency for this delay.<sup>1</sup> The first of these barons claimed the lordship of Lidel, which would have given him an entrance into Scotland by the Western Marches, while Beaumont, one of the most powerful barons in England, who, in right of his wife, claimed the lands and earldom of Buchan, might have excited disturbances, and facilitated the descent of an enemy upon the coast. These were not the only considerations which induced Randolph to suspend performance of this part of the engagement. Henry de Beaumont and the Lord Wake had violently opposed the whole treaty of Northampton, and declared themselves enemies to the peace with Scotland; they had leagued with the disinherited Scottish barons, and had instigated Baliol to an invasion of that country, and an assertion of his claim to the crown. The English King, on the other hand, although speciously declaring his intention to respect that treaty,<sup>2</sup> extended his protection to Edward Baliol; and when he was perfectly aware that a secret conspiracy for the invasion of Scotland was fostered in his court, of which Baliol, Wake, and Beaumont, were the principal movers, he yet preposterously demanded of Randolph to restore Beaumont and Wake to their estates in that country.<sup>3</sup>

The power and opulence of Beaumont induced the whole body of the disinherited barons<sup>4</sup> to combine their strength; and, aware that no effectual measures

<sup>1</sup> Rymer's *Fœdera*, vol. iv. p. 461.    <sup>2</sup> Rymer, vol. iv. p. 470.

<sup>3</sup> Rymer's *Fœdera*, vol. iv. pp. 445, 452, 511, and 518.

<sup>4</sup> Their names and titles are given by Leland, *Collect.* vol. i. pp. 552, 553. The ancestors of Lord Ferrers, one of these disinherited

for suppressing their attempt would be used by Edward,<sup>1</sup> they openly put themselves at the head of three hundred armed horse and a small body of infantry, and declared their design of subverting the government of Bruce, and placing Baliol on the throne. It was their first intention to invade Scotland by the marches, but to this the King of England would not consent: he allowed them, however, without any offer of opposition, to embark at Ravenshire, near the mouth of the Humber, with the design of making a descent on the coast, while, to preserve the appearance of the good faith which he had broken, he published a proclamation, enjoining his subjects strictly to observe the treaty of Northampton.<sup>2</sup> In the meantime, Randolph the Regent, who, with his wonted activity and determination, had put himself at the head of an army to resist the hostile designs which he knew to be on foot, died suddenly, without any apparent cause,<sup>3</sup> and not without the strongest suspicion of his having been poisoned. Winton and Barbour, both historians of high credit, and the last almost a contemporary, assert that he came by his death in this foul manner, and that the

lords, were settled in Scotland as far back as 1288. See *Excerpta E. Rotulis Compot. Temp. Alex. III.* p. 56. *Chamberlain's Accounts.*

<sup>1</sup> Echard's *Hist. England*, p. 145. Rapin's *Acta Regia*, vol. i. p. 201. Rymer's *Fœdera*, vol. iv. p. 590.

<sup>2</sup> Rymer, vol. iv. pp. 518, 529.

<sup>3</sup> He died at Musselburgh, and was buried at Dunfermline. Bower's *Continuat. Fordun*, vol. ii. p. 300. Hailes seems to have borrowed his scepticism on Randolph's death, from Tyrrel, vol. iii. p. 372, who gives no ground for his opinion. See *Remarks* on this subject, *Appendix*, letter B.

poison was administered to him at a feast held at his palace of the Wemyss, by a friar who was suborned by the faction of Beaumont.<sup>1</sup> It is certain, at least, that the friar took guilt to himself, by a precipitate flight to England.

In the Earl of Moray Scotland lost the only man whose genius was equal to manage the affairs of the nation, under circumstances of peculiar peril and difficulty. In his mind we can discern the rare combination of a cool judgment with the utmost rapidity and energy of action ; and his high and uncorrupted character, together with his great military abilities, kept down the discordant factions which began to show themselves among the nobility, and intimidated the conspirators who meditated the overthrow of the government. Upon his death, a parliament assembled at Perth for the election of his successor, and the spirit of civil disunion broke out with fatal violence. After great contention amongst the nobility, Donald Earl of Mar, nephew to the late king, was chosen regent.<sup>2</sup> This nobleman was in every way unfitted for so arduous a situation. When a child, he had been carried into England by Edward the First, and on being released from captivity, had continued to reside in that country, and had even carried arms in the English army against Scotland. Although he was afterwards stored to his country, and employed by Bruce, it was in a subordinate mi-

<sup>1</sup> Winton, vol. ii. p. 146. Barbour & Pinkerton, vol. iii. p. 179. Fordun & Goodal, vol. ii. p. 299.

<sup>2</sup> Winton, vol. ii. p. 147. Fordun & Hearne, p. 1018.

litary command. The king appears to have considered his talent for war as of a very inferior order, and the result showed how well Bruce had judged.<sup>1</sup> In the meantime, on the very day that the reins of the state fell into this feeble hand, word was brought that the fleet of Edward Baliol, and the disinherited barons, had appeared in the Forth. They landed soon after with their army at Kinghorn, where the ground was so singularly unfavourable for the disembarking of cavalry, that a very small force, led by any of the old captains of Bruce, would have destroyed the daring enterprise in its commencement. But Mar, who was at the head of a Scottish army more than ten times the strength of the English, lingered at a distance and lost the opportunity, whilst Alexander Seton threw himself, with a handful of soldiers, upon the English, and was instantly overpowered and cut to pieces.<sup>2</sup> Baliol immediately advanced to Dunfermline, where he found a seasonable supply for his small army in five hundred excellent spears, and a quantity of provisions, laid up there by the orders of Randolph, then newly dead.<sup>3</sup> When he first effected a landing, he had with him only four hundred men; but by this time he had collected a force of about two thousand foot soldiers,<sup>4</sup> and feel-

<sup>1</sup> Barbour, p. 387. *Rotul. Scot.* 13 Ed. II. m. 3.

<sup>2</sup> Fordun & Hearne, vol. iv. pp. 1018, 1019.

<sup>3</sup> Leland's *Collect.* i. p. 553. Randolph had died twelve days before. Knighton, p. 2560.

<sup>4</sup> Knighton, p. 2560. Leland, vol. i. p. 553. Walsingham, p. 131. Fordun & Goodal, vol. ii. p. 307, says, "six hundred was the original number."

ing more confident, he commanded his fleet to sail round the coast and anchor in the mouth of the Tay, while he himself pushed on to Perth, and encamped near Forteviot, with his front defended by the river Earn. On the opposite bank of the river lay the extensive tract called Dupplin Moor, upon which the Earl of Mar drew up his army, consisting of thirty thousand men, excellently equipped, and commanded by the principal nobility of Scotland. Eight miles to the west of Forteviot, at Auchterarder, was the Earl of March, at the head of an army nearly as numerous, with which he had advanced through the Lothians and Stirlingshire, and threatened to attack the English in flank.

Nothing could be imagined more perilous than the situation of Baliol; but he had friends in the Scottish camps.<sup>1</sup> Some of the nobility whose relatives had suffered in the Black Parliament, were decided enemies to the line of Bruce, and secretly favoured the faction of the disinherited barons; so that, by means of the information which they afforded him, he was enabled, with a force not exceeding three thousand men, to overwhelm the army of Mar at the moment that his own destruction appeared inevitable.<sup>2</sup>

It is asserted by an English historian, on the authority of an ancient MS. chronicle, that the newly

<sup>1</sup> Fordun a Goodal, vol. ii. p. 304.

<sup>2</sup> Bower's Continuat. Fordun, vol. ii. p. 301. "*Annon audivisti de interecone nobilium in Nigro Parlamento? Generatio eorum tibi adstabit.*" Winton, vol. ii. p. 151. The place where the disinherited lords encamped, was called "Miller's Acre."

elected regent had entered into a secret correspondence with Baliol ; but the conduct of that ill-fated nobleman appears to have been rather that of a weak and presumptuous madman, than of one dealing with the enemy.<sup>1</sup> Aware of the near presence of the enemy, he kept no watch, and permitted his soldiers to abandon themselves to riot and intemperance. Andrew Murray of Tullibardine, a Scottish baron, who served in the army of March, treacherously conducted the English to a ford in the river, which he had marked by a large stake driven into its channel.<sup>2</sup> Setting off silently at midnight, the English passed the river, and marching by Gask and Dupplin, suddenly broke in upon the outposts of the Scottish camp, and commenced a pitiless slaughter of their enemies, whom they mostly found drunken and heavy with sleep.<sup>3</sup> The surprise, although unfortunate, was not at first completely fatal. Young Randolph Earl of Murray, Murdoch Earl of Menteth, Robert Bruce, a natural son of King Robert, and Alexander Fraser, hastily collected three hundred troops, and with the desperate courage of men who felt that all hung upon gaining a few moments, checked the first onset, and drove back the English soldiers. This gave time for the main body of the Scots to arm, and as the morning had now broke, the small numbers of the English army became apparent. But the military incapacity of the regent destroyed the advantage which might have been improved, to the total discomfiture

<sup>1</sup> Barne's Hist. of Ed. III. p. 60.

<sup>2</sup> Fordun a Goodal, vol. ii. p. 307.

<sup>3</sup> Ibid, p. 305.

of Balliol. Rushing down at the head of his army, without order or discipline, the immense mass of soldiers became huddled and pressed together; spear-men, bowmen, horses, and infantry, were confounded in a heap, which bore down headlong upon the English, and in an instant overwhelmed Randolph and his little phalanx.<sup>1</sup> The confusion soon became inextricable: multitudes of the Scottish soldiers were suffocated and trodden down by their own men, and the English, preserving their discipline, and under brave and experienced leaders, made a pitiless slaughter.

The route now became total, and the carnage, for it could not be called a battle, continued from early dawn till nine in the morning, by which time the whole of the Scottish army was slain, dispersed, or taken prisoners. So rapid and easy had been the victory, that the English ascribed it to a miraculous interference for their preservation, and the Scots to a sudden infliction of divine vengeance. But the military incapacity of Mar, and the treachery of Murray, sufficiently account for the disaster.

On examining the field, it was found that multitudes had perished without wound or stroke of weapon, over-ridden by their own cavalry, suffocated by the pressure and weight of their armour, or trod under foot by the fury with which the rear ranks had pressed upon the front.<sup>2</sup> On one part of the ground the dead bodies lay so thick, that the mass of the

<sup>1</sup> Winton, vol. ii. pp. 152, 153.

<sup>2</sup> Fordun a Goodal, vol. ii. p. 305.



slain was a spear's length in depth.<sup>1</sup> It is difficult to estimate the number of those who fell; but amongst them were some of the best and bravest of the Scottish nobility. The young Randolph Earl of Moray, whose conduct that day had been worthy of his great father, Robert Earl of Carrick, a natural son of King Edward Bruce, Alexander Fraser, Chamberlain of Scotland, who had married the sister of the late king, Murdoch Earl of Menteth, Robert Bruce, a natural son of King Robert, and the Regent Mar himself, were amongst the slain. In addition to these, there fell many Scottish knights, and men-at-arms, and probably not less than thirteen thousand infantry and camp followers.<sup>2</sup> Duncan Earl of Fife was made prisoner, after a brave resistance, in which three hundred and sixty men-at-arms, who fought under his banner, were slain. Of the English the loss was inconsiderable: besides those of less note, it included only two knights and thirty-three esquires, a disparity in the numbers, which, although very great, is not without parallel in history.<sup>3</sup> There does not occur in our Scottish annals a greater or more calamitous defeat than the route at Dupplin, even when stripped of all the absurd and incredible additions of English historians.<sup>4</sup> It was disgraceful, too, as its cause is to be found in the military incapacity of Mar the leader, and in the acknowledged treachery of one,

<sup>1</sup> Winton, vol. ii. p. 155.

<sup>2</sup> Walsingham p. 131. Fordun & Hearne, vol. iv. p. 1019.

<sup>3</sup> At Cressy, the English lost only three knights and one esquire.

<sup>4</sup> Echard, p. 145. Tyrrel, vol. iii. p. 372.

and probably of more than one, of the Scottish barons. The principal of these, Murray of Tullibardin, was speedily overtaken by the punishment which he deserved: he was made prisoner at Perth, tried, condemned, and executed.<sup>1</sup>

After the battle of Dupplin, Baliol instantly pressed forward and took possession of Perth, which he fortified by palisades, with the intention of abiding there the assault of the enemy, for the Earl of March was still at the head of a powerful army of thirty thousand men. March was a baron of great landed power, but lightly esteemed by all parties;<sup>2</sup> timid, and intent upon his own interest, unwilling to peril his great estates by an adherence to the losing side, and possessed of no military talents. Upon hearing the account of the defeat at Dupplin, he passed with his army over the field of battle, which presented a ghastly confirmation of the tale; and on reaching Lammerkin Wood, commanded the soldiers to cut faggots and branches to be used in filling up the fosse, should they assault Perth, against which town he now advanced. The near approach of so great an army, alarmed the citizens, who began to barricade the streets and the approach to their houses. But on reaching the high ground immediately above the town, March commanded his men to halt. Beaumont, who intently watched his operations, observing this, called out "to take courage, for he knew they

<sup>1</sup> Fordun a Hearne, vol. iv. p. 1020. Fordun a Goodal, vol. ii. p. 307.

<sup>2</sup> Scala. Chron. as quoted in Hailes, vol. ii. p. 319.

had friends in that army, and need fear no assault."<sup>1</sup> It is probable, that in the halt made by March, Beaumont recognised a sign of his friendly intentions, which had been previously agreed on. It is certain at least, that this powerful baron had engaged in a treasonable correspondence with Baliol; as the intended assault was delayed, and the protracted measure of a blockade preferred; a change, which, in the mutual situation of the two parties, can be accounted for on no ground but that of a friendly feeling to Baliol. At this moment, Crab, the Flemish mercenary, appeared with his fleet in the Tay, and attacked the English ships. He was at first successful, and made a prize of the Beaumondscogge, Henry de Beaumont's vessel; but the rest of the fleet defended themselves with such resolution, that in the end, Crab was defeated, and compelled to fly to Berwick.<sup>2</sup> This disaster gave March a plausible pretext for deserting. The blockade was changed into a retrograde movement, which soon after ended in the total dispersion of the Scottish army, and, after a decent interval, in the accession of the Earl of March to the English interest.<sup>3</sup>

<sup>1</sup> Winton, vol. ii. p. 156. Fordun a Goodal, vol. ii. p. 306.

<sup>2</sup> Walsingham, p. 130. The Cogga de Benmond, or Beaumondscogge, was purchased by the state in 1337. It had become the property of Reginald More, Chamberlain of Scotland, who sold it to the king for two hundred pounds. Chamberlain's Accounts, p. 256.

<sup>3</sup> Hailes' Ann. vol. ii. p. 155, in a note, attempts to exculpate March, and soften his accession to the English lords. He tries to show that March raised the leaguer of Perth, not from treachery but necessity. It is evident that much of the question, as to March's

Baliol, secure from all opposition for the present, now repaired to Scone; and in the presence of many of the gentry from Fife, Gowry, and Stratherne, was crowned King of Scotland.<sup>1</sup> Duncan Earl of Fife, who had joined the English party, and Sinclair, Bishop of Dunkeld, officiated at the solemnity.

The chief causes which led to this remarkable revolution, destined for a short time to overthrow the dynasty of Bruce, are not difficult of discovery. The concluding part of the late king's reign, owing to the severity with which he punished the conspiracy of Brechin, had been unpopular, and part of the dis-

treachery, and that of the "noble persons" who acted along with him, hangs on Beaumont's speech. Now, the annalist is guilty of a little piece of suppression in curtailing this speech. Beaumont really said, "Take courage, for that army, as I conjecture, will not hurt us, *because I perceive, without doubt, our friends and well-wishers amongst them.*" Hailes makes him say, "Take courage, these men will not hurt us;" and he then observes, "Whether he said this merely to animate the English, or whether he formed his conjecture from the disordered motions of the enemy, or whether he indeed discerned the banners of some noble persons, who secretly favoured Baliol, *is uncertain.*" And yet after all, for these conjectures and this alleged uncertainty so plausibly brought in here, there was no ground whatever. Beaumont, in the part of the passage which Hailes has suppressed, expressly affirmed *that he perceived friends in March's army.* Had he consulted Winton, he would have found that this old and authentic chronicler, vol. ii. p. 156, makes Beaumont say,

"Look that ye be  
Merry and glad, and have no doubt,  
For we have friends in yon route."

What was the object in all this it is not easy to say.

<sup>1</sup> Winton, vol. ii. p. 157.

contented nobility were not slow in turning their eyes from the line of Bruce, which his great energy and military talents had compelled them to respect, to the claims of Baliol, weak in personal power, but, as they imagined, better supported in right and justice. A party of English barons, headed by Henry Beaumont, one of the most powerful subjects in England, having been dispossessed by Bruce of their estates in Scotland, determined to recover them by the sword, and united themselves with Baliol, concealing their private ambition under the cloak of re-establishing the rightful heir upon the throne. They were mostly men of great power and vassalage, and were all of them more or less connected with the numerous sept of the Comyns, the inveterate enemies of Bruce. They received private encouragement and support from the king of England, and they began their enterprise when the civil government in Scotland, and the leading of its armies, was in the hands of Mar and March : the first a person of no talents or energy, and suspected of being inclined to betray his trust ; the second undoubtedly a favourer of the English party.

There was nothing, therefore, very extraordinary in the temporary recovery of the crown by Baliol ; but a very short time showed him how little dependence was to be placed on such a possession. The friends of the line of Bruce were still numerous in the country : amongst them were the oldest and most experienced soldiers in Scotland ; and the feelings of the nation were entirely on their side.

Perth had been fortified by the disinherited lords; after which Baliol made a progress to the southern parts of Scotland, and committed the custody of the town to the Earl of Fife. It was soon after attacked and stormed by Sir Simon Fraser and Sir Robert Keith, who destroyed the fortifications, and took the constable Fife and his daughter prisoners. Upon this first gleam of success, Sir Andrew Moray of Bothwell, who had married Christian, the sister of the late king, was chosen regent; and his first care was to send the king, then only nine years old, along with his youthful queen, to France, where they were honourably and kindly received.<sup>1</sup> Meanwhile Baliol, with ready pusillanimity, hastened to surrender to Edward the liberties of Scotland; and the English king moved on to the borders with the declared purpose of attending to the safety of that divided country. The transactions which followed at Roxburgh throw a strong light upon the characters of both sovereigns.

After many hypocritical declarations as to the solemn and conscientious observation of the treaty of Northampton, the English king now dropt the mask, and declared, that the successes of Baliol, in Scotland, were procured by the assistance of his good subjects, and with his express permission or sufferance.<sup>2</sup> In return for this assistance, Baliol acknowledged Edward as his feudal lord, and promised that he would

<sup>1</sup> Fordun a Goodal, vol. ii. p. 307. Winton, vol. ii. p. 160.

<sup>2</sup> Rymer's *Fœdera*, vol. iv. p. 538. The deed is dated Roxburgh, 23d November, 1332.

be true and loyal to the English king and to his heirs, the rightful sovereigns of the kingdom of Scotland, and the isles pertaining thereto. In addition to this, he became bound to put Edward in possession of the town, castle, and territory of Berwick, and of other lands in fit and convenient places upon the marches, extending to the value of two thousand pounds; and affecting to consider the Princess Joanna of England as only betrothed to King David Bruce, he proposed himself as a more convenient match, and offered to provide for David Bruce in whatever way Edward should think fit. He lastly became bound to assist the English king, in all his wars, with two hundred men-at-arms, raised and maintained at his own charges; and he engaged that his successors should furnish a hundred men-at-arms for the same service. The penalty affixed to the breach of this agreement, was a fatal part of the treaty. If Baliol, or his successors, neglected to appear in the field, they became obliged to pay to England the enormous sum of two hundred thousand pounds sterling; and if this money could not be raised, it was agreed that Edward should take possession of the "remainder of Scotland and the isles." This last obligation, which was to be perpetually in force, evidently gave Edward the power of draining Scotland of its best soldiers, and in the event of resistance, of at once seizing and appropriating the kingdom.<sup>1</sup>

Thus, in a moment of mean and sordid selfishness,

<sup>1</sup> *Fœdera*, vol. iv. pp. 536 and 548.

were the chains, which had cost Robert Bruce thirty years' war to break, again attempted to be fixed upon a free country, and this by the degenerate hands of one of her own children. But Baliol's hour of prosperity was exceeding brief. Strong, as he imagined, in the protection of the king of England, and encouraged in his security by the readiness with which many of the Scottish barons had consented to recognise his title,<sup>1</sup> the new king lay carelessly encamped at Annan, not aware of the approach of a body of armed horse, under the command of the Earl of Moray, the second son of the great Randolph, along with Sir Simon Fraser and Archibald Douglas, brother to Bruce's old companion in arms, the Good Sir James. These barons, informed of Baliol's remissness in his discipline, made a sudden and rapid march from Moffat, in the twilight of a December evening, and broke in upon him at midnight. Taken completely by surprise, the nobles who were with him, and their vassals and retainers, were put to the sword without mercy. Henry Baliol, his brother, after a gallant resistance, was slain; and Walter Comyn, Sir John de Moubray, and Sir Richard Kirby, met their deaths along with him. The Earl of Carrick was made prisoner; and Baliol, in fear of his life, and almost naked, threw himself upon a horse, and with difficulty escaped into England.<sup>2</sup> Carrick, the natural son of King Edward Bruce, would have been executed as a traitor, but young Randolph in-

<sup>1</sup> Fordun & Hearne, p. 1020, 1021. Winton, vol. ii. p. 159.

<sup>2</sup> Winton, vol. ii. p. 161.



terfered and saved his life. With the assistance of strangers and mercenary troops, it had cost Baliol only seven weeks to gain a crown. In less than three months it was torn from his brow, he himself chased from Scotland, and cast once more a fugitive and an exile upon the charity of England.<sup>1</sup>

Encouraged by this success, and justly incensed at the assistance given by Edward to Baliol and the disinherited lords, the Scottish leaders began to retaliate by breaking in upon the English borders. It is a singular instance of diplomatic effrontery, that the English king, on hearing of this invasion, 'accused the Scots of having violated the treaty of Northampton ;' in his correspondence with the king of France and the court of Rome, he does not hesitate to cast upon that nation the whole blame of the recommencement of the war ;<sup>2</sup> and as if this was not enough, the English historians accuse them, in broad terms, of having attacked Baliol at Annan during the existence of a truce. Both the one and the other assertion appear to be unfounded.<sup>3</sup>

<sup>1</sup> He landed 31st July, and was crowned 24th Sept. He was surprised and chased into England on 16th December.

<sup>2</sup> Rymer's *Fœdera*, vol. iv. p. 552.

<sup>3</sup> During the whole period of his intrigues and alliance with Baliol, both before and after his successes in Scotland, Edward had taken especial care, in his correspondence with Rome, to keep the Pope entirely ignorant of the real state of Scottish affairs ; and the cause of this sedulous concealment was the dread of being subjected in the payment of two thousand pounds, the stipulated fine in case he infringed the treaty.—Knighton, p. 2560.

<sup>4</sup> Lingard's *Hist. of England*, vol. iv. p. 23. The passage in Wal-

Hostilities having again broke out between the two nations, the border inroads recommenced with their accustomed fury, but at first were attended with circumstances disastrous for Scotland. It happened that Baliol, after his flight from Annan, had experienced the Christmas hospitality of Lord Dacres ; in return for which kindness, Archibald Douglas, at the head of a small army of three thousand men, broke in upon Gillesland, and wasted the country belonging to Dacres with fire and sword, spreading desolation for a distance of thirty miles, and carrying off much booty. To revenge this, Sir Anthony Lucy of Cockermouth, and William of Lochmaben, with eight hundred men, penetrated into Scotland ; but on their return were encountered by Sir William Douglas, commonly called the Knight of Liddesdale, and at that time keeper of Lochmaben Castle. After a sore conflict, in which Lucy was grievously wounded, Douglas was totally defeated. Of the Scotch, a hundred and sixty men-at-arms, including Sir Humphrey Jardine, Sir Humphrey Boys, and William Carlisle, were left on the field, and the best of the chivalry of Annandale were either slain or made captive.<sup>1</sup> Amongst the prisoners were Douglas himself, Sir William Baird, and a hundred other knights and gentlemen.

So pleased was Edward with the prize he had won

singham, p. 132, will not prove anything, for neither March nor Douglas were at the head of affairs, but Sir Andrew Moray.

<sup>1</sup> Walsingham, p. 132.

in the knight of Liddesdale, who was a natural son of the Good Sir James, and inherited his father's remarkable talents for war, that he issued special orders for his strict confinement in iron fetters;<sup>1</sup> and Baliol, who, a short time before this success, had again entered Scotland, and established himself, after some partial successes, in the castle of Roxburgh, endeavoured to confirm his authority in Annandale, by bestowing the lands of the knights who were slain upon his English followers.<sup>2</sup>

Another disaster followed hard upon the defeat of Douglas at Lochmaben. The Regent Sir Andrew Moray, with a strong body of soldiers, attacked and attempted to storm the castle of Roxburgh, where Baliol then lay. A severe conflict took place on the bridge, and in the onset, Ralph Golding, a brave esquire in the regent's service, pushing on far before the rest, was overpowered by the English. Moray, in the ardour of the moment, more mindful of his duty as a knight than a leader, attempted singly to rescue him, and instantly shared his fate.<sup>3</sup> Disdaining to surrender to any inferior knight, he demanded to be led to the king of England, and being brought to Edward, was thrown into prison, where he remained for two years. The Scots, who had now lost in Douglas and Moray two of their best soldiers, at a time when they so much needed them, endeavoured to supply their place by conferring the office of regent upon Archi-

<sup>1</sup> Rymer's *Fœdera*, vol. iv. p. 552.

<sup>2</sup> *Rotuli Scotiæ*, 8. Ed. III. 18 Nov. vol. i. p. 294.

<sup>3</sup> Fordun a Goodal, vol. ii. pp. 309, 310.

bald Douglas, Lord of Galloway, the brother of the Good Sir James.<sup>1</sup>

In consequence of these advantages, Edward determined to carry on the war with renewed spirit. He assembled a powerful army, besought the prayers of the church for his success, and wrote to the Earl of Flanders, and to the magistrates of Bruges, Ghent, and Ypres, requesting them to abstain from rendering assistance to the Scots.<sup>2</sup> He informed the king of France, who had interposed his good offices in behalf of his ancient allies, that, as the Scots had repeatedly broken the peace, by invading and despoiling his country, he was necessitated to repel these outrages by force of arms;<sup>3</sup> and having taken these preliminary steps, he put himself at the head of his army, and sat down before Berwick. The Scots, on their side, were not unprepared to receive him. Although Crab's disaster, in the former year, had weakened their strength by sea, they still possessed a fleet of ships of war, which committed great havoc on the English coasts, and plundered their sea-ports;<sup>4</sup> and Douglas the regent exerted himself to raise an army equal to the emergency. The defence of the castle of Berwick was committed to the Earl of March, whose conduct, after the battle of Dupplin, had evinced already the strongest leaning to the English interest; the command of the town was intrusted to Sir Alex-

<sup>1</sup> Fordun a Goodal, vol. ii. pp. 310.

<sup>2</sup> Rotuli Scotiæ, 7 Ed. III. pp. 233, 234. Fœdera, vol. iv. p. 556.

<sup>3</sup> Fœdera, vol. iv. p. 557.

<sup>4</sup> Rotuli Scotiæ, vol. i. pp. 233, 249, and 252.

ander Seton.<sup>1</sup> The garrison appears neither to have been numerous nor well supplied ; but for some time they made a gallant defence, and succeeded in sinking and destroying by fire a great part of the English fleet. Edward at first attempted to fill up the ditch with hurdles, and to carry the town by assault ; but having been repulsed, he converted the attack into a blockade, and as the strength and extent of his lines enabled him to cut off all supplies, it became apparent, that if not relieved in a short time, Berwick must fall. After the blockade had continued for some time, a negotiation took place, by which the besieged agreed to capitulate by a certain day, unless succours were thrown into the town before that time ; and for the strict performance of the stipulations, the Scots delivered hostages to Edward, amongst whom was a son of Seton the governor.<sup>2</sup> The period had nearly expired, when, one morning at the break of day, the citizens, to their great joy, saw the army of Scotland, led by the regent in person, approach the Tweed, and cross the river at the Yare ford. They approached Berwick on the south side of the river, and although the English endeavoured to defend every passage, Sir William Keith, Sir William Prendergest, and Sir Alexander Gray, with a body of Scottish soldiers, succeeded in throwing themselves into the town. The main body of the Scots, after having remained drawn up in order of battle, and in

<sup>1</sup> *Scala Chron.* quoted in Hailes, vol. ii. p. 317, and *Rotuli Scotiae*, vol. i. p. 272, *Compot. Camerarii Scotiae*, p. 255.

<sup>2</sup> *Ibid.*

sight of the English army for a day and a half, struck their tents at noon of the second day, and, with the hope of producing a diversion, entered Northumberland, and wasted the country with fire and sword. But although they menaced Bamburgh castle, where Edward had placed his young queen, that monarch, intent upon his object, continued before Berwick ; and on the departure of the Scottish army, peremptorily required the town to be given up, as the term stipulated for their being succoured had now expired. This demand the besieged refused to comply with ; they asserted that they had received succours, both of men and of provisions ; the knights, they said, who had led these succours, were now with them ; out of their number they had chosen new governors, of whom Sir William Keith was one ; and they declared their intention of defending the city to the last extremity.<sup>1</sup> Edward upbraided the citizens, accused them of duplicity, and requested the advice of his council with regard to the treatment of the hostages. It was their opinion that the Scots had broken the stipulations of the treaty, and that the lives of the hostages were forfeited. The king then commanded the son of the late governor to prepare for death, expecting that the threatened severity of the example, and the rank and influence of his father, would induce the townsmen to surrender. But he was disappointed ; and Thomas Seton, a comely and noble-looking youth, was hanged before the gate of the town,<sup>2</sup> and, it is said, so near, that the

<sup>1</sup> *Scala Chron.* apud Hailes, vol. ii. p. 316.

<sup>2</sup> *Fordun a Hearne*, vol. iv. p. 1022.

unhappy father could witness the execution from the walls.<sup>1</sup> Immediately after this, the citizens became alarmed for the lives of the rest of the hostages, and from affection for their children, renewed the negotiations for surrender, unless succoured before a certain day. To this resolution Keith their governor encouraged them, by holding out the sure hope of the siege being raised by the Scottish army, which he represented as superior to that of England.<sup>2</sup> Unhappily they embraced his advice. It was stipulated, in a solemn instrument yet preserved, and with a minuteness which should leave no room for a second misunderstanding, that Berwick was to be given up to the English, unless the Scots, before or on the 19th of July, should succeed in throwing two hundred men-at-arms into the town by dry land, or should overcome the English army in a pitched field.<sup>3</sup>

Keith, the governor of the town, was permitted, by the treaty of capitulation, to have an interview with the regent, Archibald Douglas. He represented the desperate situation of the citizens; magnified the im-

<sup>1</sup> See Appendix, letter C.

<sup>2</sup> *Scala Chron.* in Hailes, vol. ii. p. 319. Ad Murinath, p. 80. Hailes says, and quotes Fordun, B. 13. c. 27. as his authority, that during a general assault, the town was set on fire, and in a great measure consumed; and that the inhabitants, dreading a storm, implored Sir William Keith and the Earl of March to seek terms of capitulation. Neither Fordun, nor his continuator Bower, nor Winton, say any thing of the town having been set on fire. The English historians, Walsingham and Hemingford, indeed assert it; but it is not to be found in the narrative of the *Scala Chronicle*, which appears to be the most authentic; I have therefore omitted it.

<sup>3</sup> *Fædera*, vol. iv. pp. 566, 567.

portance of the town, which must be lost, he said, unless immediately relieved; and persuaded the regent to risk a battle. The resolution was the most imprudent that could have been adopted. It was contrary to the dying injunctions of Bruce, who had recommended his captains never to hazard a battle if they could protract the war, and lay waste the country; and especially so at this moment, as desertion and mutiny now began to show themselves in the English army, which all the endeavours of Edward had not been able to suppress.<sup>1</sup> Notice, too, had reached the camp, of illegal meetings and confederations having taken place in London during the king's absence, and the people of the northern shires had peremptorily refused to join the army; so that there was every probability that it must soon have been disbanded.<sup>2</sup> In expectation of this result, Seton, the former governor, had determined to hold out the town to the last extremity, and sternly refused to capitulate, although the life of his son hung upon the issue. But his resolution was counteracted by the ignorant rashness of Keith, the new governor of the town, as well as by the excusable affection of the citizens for their sons, who were hostages. The regent suffered himself to be overruled, and on the day before the festival of the Virgin, being the 18th of July, the Scottish army crossed the Tweed, and encamped at a place called Dunsepark. Upon this, Ed-

<sup>1</sup> Rotuli Scot. 7 Ed. III. m. 26, dorso, vol. i. p. 235.

<sup>2</sup> Rotuli Scotiæ, vol. i. pp. 234, 244.



ward Baliol and the King of England drew up their forces on the eminence of Halidon Hill, situated to the west of the town of Berwick. Nothing could be more advantageous than the position of the English. They were drawn up in four great battalia, each of which was flanked by choice bodies of archers. A marsh divided the hill on which they stood from the opposite eminence, and on this rising ground the Scottish commanders halted and arranged their order of battle.<sup>1</sup> It consisted also of four battalia, led respectively by the regent Douglas; the Stewart of Scotland, then a youth of seventeen, under the direction of his uncle Sir James Stewart; the Earl of Moray, son of the great Randolph, assisted by two veteran leaders of approved valour, James and Simon Fraser, and the Earl of Ross. The nature of the ground rendered it impossible for the English position to be attacked by cavalry. The Scottish army accordingly fought on foot, and the leaders and heavy-armed knights having dismounted, delivered their horses to be kept by the sutlers and camp boys in the rear. Before reaching their enemy, it was necessary for them to march through the soft and unequal ground of the marsh; an enterprise which required much time, and was full of danger, as it ine-

<sup>1</sup> I take this from an interesting and curious manuscript preserved in the British Museum, Bib. Harleiana, No. 4690, of which I find a transcript by Macpherson, the editor of Winton, and a most accurate investigator into Scottish history, in his MS. Notes on Lord Hailes' Annals. As it has never been printed, I have given it in the appendix, letter D. Winton, vol. ii. p. 169.

vitably exposed the whole mass of the army to the discharge of the English archers, the fatal effects of which they had experienced in many a bloody field. Yet, contrary to the advice of the elder officers, who had been trained under Bruce and Randolph, this desperate attempt was made, and the Scots, with their characteristic national impetuosity, eagerly advanced through the marsh. The consequence was what might have been expected: their ranks, crowded together, soon fell into confusion; their advance was retarded; and the English archers, who had time for a steady aim, plied their bows with such deadly effect, that numbers of the Scots were every instant slain or disabled. An ancient manuscript says, that the arrows flew as thick as motes in the sun-beam, and that the Scots fell to the ground by thousands.<sup>1</sup> It could not indeed be otherwise; for from the nature of the ground, it was impossible to come to close fighting, and having no archers, they were slaughtered without resistance; the English remaining in the meantime uninjured, with their trumpets and nakers sounding amid the groans of their dying enemies, while their king was fighting on foot in the front of the battle. Upon this dreadful carnage many of the Scots began to fly; but the better part of the army, led on by the nobility, at last extricated themselves from the marsh, and, pressing up the hill, attacked the enemy with great fury. It was difficult, however,

<sup>1</sup> MS. Harleian, Appendix, letter D. Ad Murimuth, p. 80.

for men, breathless by climbing the acclivity, and dispirited by the loss sustained in the marsh, to contend against fresh troops admirably posted, and under excellent discipline ; so that, although the Scots for a little time fiercely sustained the battle, their efforts being unconnected, the day, in spite of all their exertions, ultimately went against them.

The Earl of Ross, in leading the reserve to attack the wing where Baliol commanded, was driven back and slain. Soon after, the regent Douglas was mortally wounded and made prisoner. The Earls of Lennox, Athole, Carrick, and Sutherland, along with James and Simon Fraser, were struck down and killed, while the English, advancing in firm array with their long spears, entirely broke and drove off the field the remains of the Scottish army. In the pursuit which succeeded, the carnage was very great. Besides the nobles and barons already mentioned, John Stewart, uncle of the Steward of Scotland, was killed, and James Stewart, another of his uncles, was mortally wounded and made prisoner. Malise, Earl of Strathern, John de Graham, Alexander de Lindesay, and other barons of high rank, were also slain ; and with them fell, on the lowest calculation, fourteen thousand men. Such was the disastrous defeat of the Scots at Halidon Hill.<sup>1</sup> The battle was fought on the twentieth day of July, and the English monarch immediately addressed letters to the archbishops and

<sup>1</sup> Winton, vol. ii. p. 170. Fordun a Hearne, vol. iv. p. 1021. Fordun a Goodal, vol. ii. p. 311.

bishops of his dominions, directing them to return thanks to God for so signal a victory.<sup>1</sup>

In the conflicting accounts of the various annalists, the exact number of the two armies, and the extent of the loss on either side, cannot be easily ascertained. It seems probable, that nearly the whole of the men-at-arms in the Scottish ranks were put to the sword either in the battle or in the pursuit; and that of the confused multitude which escaped, the greater part were pages, sutlers, and camp followers. So great was the slaughter of the nobility, that, after the battle, it was currently said amongst the English, that the Scottish wars were at last ended, since not a man was left of that nation who had either skill, power, or inclination, to assemble an army or direct its operations.<sup>2</sup>

The consequences of the battle of Halidon were the instantaneous delivery of the town and castle of Berwick into the hands of the English, and the sub-

<sup>1</sup> Winton, vol. ii. p. 166, says the Scots had an army full sixty thousand strong. It is observed by Edward, in his letters ordaining a public thanksgiving, that the victory was obtained without great loss upon his side; an expression proving the absurdity of the assertion of the English historians, that of their army only thirteen foot soldiers, with one knight and one esquire, were slain. Nor is it unworthy of remark, that the king makes no allusion to any inferiority of force upon the English side; which, had such been the case, he could scarcely have failed to do, if we consider the subject of his letter. When the English historians inform us that the Scots were five times more numerous than their opponents, we must consider it as a gross exaggeration, and totally incredible.

<sup>2</sup> Murimuth, p. 81.

sequent submission of almost the whole kingdom to Baliol, who traversed it with an army which found no enemy to oppose it.<sup>1</sup> Five strong castles, however, still remained in possession of the adherents of David, and these eventually served as so many rallying points to the friends of liberty. The fortresses in question were Dumbarton, which was held by Malcolm Fleming; Urquhart, in Inverness-shire, commanded by Thomas Lauder; Lochleven, by Alan de Vipont; Kildrummie, by Christian Bruce, the sister of Robert the First; and Lochmaben, by Patrick de Chartres.<sup>2</sup> A strong-hold in Lochdown, on the borders of Carrick, was also retained for David Bruce by John Thomson, a brave soldier of fortune, and probably the same person, who, after the fatal battle of Dundalk, led home from Ireland the broken remains of the army of King Edward Bruce.<sup>3</sup>

Patrick, Earl of March, who had long been suspected of a secret leaning to the English, now made his peace with them, and swore fealty to Edward; and along with him many persons of rank and authority were compelled to pay a temporary homage: but the measures which Edward adopted, on making himself master of Berwick, were little calculated to conciliate the minds of those whom he somewhat prematurely considered as a conquered people. He seized and forfeited the estates of all the barons in

<sup>1</sup> Fordun a Goodal, vol. ii. p. 311.

<sup>2</sup> Rotuli Scotiæ, 8 Ed. III. vol. i. p. 274.

<sup>3</sup> Fordun a Goodal, vol. ii. p. 311.

the county of Berwick, who held their property by charter from King Robert; in giving leases of houses within the town, or of lands within the shire, he prohibited his tenants and vassals from subleasing them to any except Englishmen;<sup>1</sup> he directed the warden of the town to collect together all the Scottish monks whom he suspected of instilling rebellious principles into their countrymen, and to transport them to England, to be there dispersed amongst the monasteries of their respective orders on the south side of the Trent; and he commanded the chiefs of the different monastic orders in England to depute to Scotland some of their most talented brethren, who were capable of preaching pacific and salutary doctrines to the people, and of turning their hostility into friendship. Orders were also transmitted to the magistrates of London, and other principal towns in the kingdom, directing them to invite merchants and traders to settle in Berwick, under promise of ample privileges and immunities; and, in the anticipation that these pacific measures might still be inadequate to keep down the spirit of resistance, he emptied the prisons throughout England of several thousands of criminals condemned for murder and other heinous offences, and presented them with a free pardon, on the condition of their serving him in his Scottish wars.<sup>2</sup>

Baliol having thus possessed himself of the crown by foreign assistance, seemed determined to complete

<sup>1</sup> Rotuli Scotiæ, 8 Ed. III. vol. i. pp. 272. 275.

<sup>2</sup> Rotuli Scotiæ, 7 Ed. III. vol. i. pp. 254. 258.

the humiliation of his country. An assembly of his party was held at Edinburgh on the 10th of February. Lord Geoffrey Scrope, High Justiciar of England, attended as Commissioner from Edward, along with Sir Edward Bohun, Lord William Montague, Sir Henry Percy, and Ralph Neville, seneschal of England. As was to be expected, every thing was managed by English influence. Lord Henry Beaumont, the Earl of Athole, and Lord Richard Talbot, were rewarded with the extensive possessions of the Comyns in Buchan and Badenoch. The vale of Annandale and Moffatdale, with the fortress of Lochmaben, were bestowed upon Lord Henry Percy; and the Earl of Surrey, Ralph Lord Neville of Raby, Lord John Mowbray, and Sir Edward Bohun, were remunerated for their labours in the Scottish war by grants of the estates of those who had fallen at Halidon, or who were forfeited for their adherence to David Bruce. To his royal patron, more extensive sacrifices were due. Not only was the town, castle, and extensive county of Berwick surrendered to the King of England, but the forests of Jedburgh, Selkirk, and Ettrick, the wealthy counties of Roxburgh, Peebles, Dumfries, and Edinburgh, the constabularies of Linlithgow and Haddington, with the towns and castles situated within these extensive districts, were, by a solemn instrument, annexed for ever to the kingdom of England.<sup>1</sup>

<sup>1</sup> Rymer, *Fœdera*, vol. iv. pp. 614. 616. *Rotuli Scotiæ*, vol. i. p. 261.

To complete the dismemberment of the kingdom, there was only wanting a surrender of the national liberties. Accordingly this mean-spirited baron appeared before Edward at Newcastle, acknowledged him for his liege lord, and swore fealty for the whole kingdom of Scotland, and the Isles adjacent. Edward, thus rendered master of the fairest and most populous part of Scotland, hastened to send English governors to his new dominions ;<sup>1</sup> while the friends of the young king once more retired into the mountains and fastnesses of their country, and waited for a favourable opportunity of rising against their oppressors. Nor was it long ere an occasion presented itself. Dissensions broke out amongst those English barons to whose valour Baliol owed his restoration ; and a petty family quarrel gave rise to an important counter-revolution.

The brother of Alexander de Mowbray died, leaving daughters, but no male heirs ; upon which Mowbray claimed the estate of his brother, in exclusion of the heirs-female, and, by a decision of Baliol, was put in possession ;<sup>2</sup>—an award, which was the more extraordinary, as it went to destroy his own title to the crown. The cause of the disinherited daughters was warmly espoused by Henry de Beaumont, Richard Talbot, and the Earl of Athole, all of them connected by marriage with the powerful family of the Comyns ; and, upon the denial of their suit by Baliol, these fierce barons retired in disgust from

<sup>1</sup> *Rotuli Scotiae*, p. 263.

<sup>2</sup> *Fordun a Goodal*, vol. ii. p. 312. *Winton*, vol. ii. p. 175.



court. Beaumont, taking the law into his own hands, retired to his strong castle of Dundarg in Buchan, and seized a large portion of the disputed lands which lay in that earldom. Athole removed to his strongholds in the country of Athole; and Talbot, who had married the daughter of the Red Comyn slain by Bruce,<sup>1</sup> collected his vassals, and prepared for war. Encouraged by the disunion amongst their enemies, the old friends of the dynasty of Bruce began again to reappear from their concealment; and, at this favourable conjuncture, Sir Andrew Moray of Bothwell<sup>2</sup> was released from his captivity, and returned to Scotland. At the same time, the Scottish ships of war, assisted by a fleet of their allies, richly laden with provisions and arms, and well manned with soldiers, hovered on the coast, and threatened to intercept the English vessels which had been sent by Edward with supplies for his adherents in Scotland.<sup>3</sup> Baliol in the meantime, irresolute and alarmed, retreated to Berwick, and reversed his decision in favour of Mowbray. But this step came too late to conciliate Beaumont, and it entirely alienated Mowbray, who, eager to embrace any method of humbling his rivals, went over with his friends and vassals to the party of David Bruce, and cordially co-operated with Moray, the late Regent.

And now the kingdom which Edward so lately be-

<sup>1</sup> M'Pherson's *Notes on Winton*, vol. ii. p. 506, 509.

<sup>2</sup> Erroneously called by Maitland, vol. i. p. 520, the Earl of Bothwell.

<sup>3</sup> *Rotuli Scot.* vol. i. p. 279. 20th Sept. 1334.

lieved his own, on the first gleam of returning hope, was up in arms, and ready again to become the theatre of mortal debate and contention. Talbot, in an attempt to pass with a body of men-at-arms into England, was attacked and taken prisoner by Sir William Keith of Galston; six of the knights who accompanied him, and many of his armed vassals, being put to the sword.<sup>1</sup> He was instantly shut up in the strong fortress of Dumbarton; and one of their most powerful opponents being disposed of, Moray and Mowbray hastened to besiege Lord Henry Beaumont in the castle of Dundarg. This, however, was no easy enterprise. Situated on a precipitous rock overhanging the Murray Firth, the strong retreat which Beaumont had chosen was connected with the mainland by a neck of land so narrow, that a few resolute men could defend it against a multitude. To attempt to storm it would have been certain defeat; and Moray chose rather, by a strict blockade, to compel Beaumont to surrender. An unexpected circumstance accelerated his success. Having discovered the situation of the pipes which supplied the garrison with water, he mined the ground, cut them through, and reduced the English baron to extremity. Beaumont capitulated; and, upon payment of a high ransom, was permitted to retire into England.<sup>2</sup>

<sup>1</sup> Walsingham, p. 134. Leland, Collect. vol. i. p. 554. Fordun a Goodal, vol. ii. p. 325.

<sup>2</sup> Fordun a Goodal, vol. ii. p. 312. Stat. Acct. of Scotland, vol. xii. p. 578.

Amongst the numerous confiscations which followed his brief possession of power, Baliol conferred the extensive possessions of Robert, the Steward of Scotland, upon the Earl of Athole; while this young baron himself, ever since the calamitous battle of Hali-don, had lain concealed in Bute, and escaped the search of his enemies. With a prudence and determination superior to his years, he now organised a plan for escaping to the castle of Dumbarton, in which he happily succeeded. Two old vassals of the family, named Gibson and Heriot, brought a boat to Rothesay late in the evening, and the Steward, accompanied only by a chamber-boy and two servants, threw himself into it, and rowed that night to Overtunnock, from which they crossed to Dumbarton, where they were joyfully welcomed by Malcolm Fleming the governor.<sup>1</sup> Here he did not long remain inactive; but assembling his scattered vassals, with the assistance of Colin Campbell of Lochnow, he attacked and stormed the castle of Dunoon in Cowal.

The news of this success soon flew to Bute; and there the hereditary vassals of the young patriot instantly rose upon the English governor, Alan de Lyle, put him to death, and proceeded, carrying his head in savage triumph along with them, to join their master. The Castle of Bute soon after fell into the hands of the insurgents.<sup>2</sup>

<sup>1</sup> Winton, vol. ii. p. 178. Fordun a Goodal, vol. ii. p. 313.

<sup>2</sup> Winton calls the vassals of the young Steward "The Branded ones of Bute;" and in describing the battle in which Lyle was slain, tells us, they overwhelmed him with showers of stones, hence

The noble country of Annandale, as we have already stated, was presented by Baliol to Henry Percy; but its mountains and fastnesses had given refuge to many brave men who obstinately refused to submit themselves to the English king. On the first intelligence that the Steward had displayed open banner against the English, these fugitives, says an ancient historian, came suddenly, like a swarm of hornets, from the rocks and woods, and warred against the common enemy. The chief of these was William de Carruthers, who since the success of Baliol had preferred a life of extremity and hardship, as a fugitive in the woods, to the ignominy of acknowledging the English yoke. He now left his strongholds, and with a considerable force united himself to the Steward.<sup>1</sup> Thomas Bruce, with the men of Kyle, next joined the confederacy; and soon after Randolph, Earl of Moray, who had escaped to France after the defeat at Halidon Hill, returned to his native country, and, with the hereditary valour of his house, began instantly to act against the English. Strengthened by such important accessions, the Steward in a short time reduced the lower division of Clydesdale; compelled the English Governor of Ayr to acknowledge King David Bruce; and expelled the

“Among the Brandanis all  
The Batayle Dormang they it call.”

“The battle Dormang is evidently,” Macpherson remarks, “a corruption of the Batail nan dornaig.” Dorneag being a round stone: A proof that, in Butè, the Gaelic was then the common language. Winton, vol. ii. p. 186. Fordun a Goodal, vol. ii. p. 316.

<sup>1</sup> Fordun a Goodal, vol. ii. p. 316.

adherents of Baliol and Edward from the districts of Renfrew, Carrick, and Cunningham.

The Scottish nobles of the party of David Bruce now assembled, and preferred this young patriot and the Earl of Moray to the office of joint regents under their exiled king. The choice was in every respect judicious. The Steward, although now only in his nineteenth year, had early shown great talents for war; he was the grandson of Robert the First, and had been already declared by Parliament the next heir to the crown: Moray, again, was the son of the great Randolph; so that the names of the new governors were associated with the most heroic period of Scottish history,—a circumstance of no trivial importance at a period when the liberties of the country were threatened with an utter overthrow. About the same time, the spirits of the party were cheered by the arrival of a large vessel loaded with arms, besides wines and merchandize, in the Port of Dumbarton;—a circumstance which Edward considered of so much importance, that he directed his writs to the Magistrates of Bristol and Liverpool, commanding them to fit out some ships of war to intercept her on her return.<sup>2</sup>

The first enterprise of the regents was against the Earl of Athole, who proudly lorded it over the hereditary estates of the Steward, and whose immense possessions, both in Scotland and England, rendered him by far the most formidable of their enemies.<sup>2</sup> Moray,

<sup>1</sup> Rotuli Scotiæ, vol. i. p. 320.    <sup>2</sup> Douglas' Peerage, vol. i. p. 133.

by a rapid march into the north, attacked the Earl before he had time to assemble any considerable force, drove him into the wild district of Lochaber, and compelled him to surrender. Thus, by the overthrow of Beaumont, Talbot, and Athole, the most powerful branch in the confederacy of the disinherited barons was entirely destroyed ; and Baliol, once more a fugitive, passed into England, and implored the protection and assistance of Edward.

On being informed of the revolution in Scotland, the English king, although it was now the middle of November, determined upon a winter campaign, and issued writs for the attendance of his military vassals. The expedition, however, proved so unpopular, that no less than fifty-seven of the barons who owed suit and service, absented themselves ;<sup>1</sup> and, with an army enfeebled by desertion, Edward made his progress into Lothian, where, without meeting with an enemy, if we except some obscure malefactors who were taken and executed, he ruled over a country which the Scots, following the advice of Bruce, abandoned for the time to his undisturbed dominion.<sup>2</sup> Baliol, as usual, accompanied Edward, and with a portion of his army ravaged Avondale, and laid waste the districts of Carrick and Cunningham. The vassal king then passed to Renfrew, and affected a royal state in his Christmas festivities, distributing lands and castles to his retainers, and committing the chief management of his affairs to William Ballock, a warlike ecclesiastic, whom he created

<sup>1</sup> Rotuli Scotiæ, 8. Ed. III. vol. i. p. 293.

<sup>2</sup> Hemmingford, vol. ii. p. 277.

chamberlain of Scotland, and governor of the important fortresses of St Andrews and Cupar.<sup>1</sup> Such castles as he had possession of were garrisoned with English soldiers; and John de Strivelin, with a large force, commenced the siege of Lochleven, which was then in the hands of the friends of David Bruce. From its insular situation this proved a matter of difficulty. A fort however was built in the churchyard of Kinross, on a neck of land nearest to the castle, and from this frequent boat attacks were made, in all of which the besiegers were repulsed. At last Alan Vipont, the Scottish governor, seizing the opportunity when Strivelin was absent on a religious pilgrimage to the shrine of St Margaret at Dunfermline, attacked and carried the fort, put part of the English garrison to the sword, and raised the siege. He then returned to the castle with his boats laden with arblasts, bows, and other instruments of war,<sup>2</sup> besides much booty, and many prisoners.

Encouraged by this success, and anxious to engage in a systematic plan of military operations, the Scottish regents summoned a parliament to meet at Dairsay. It was attended by Sir Andrew Moray, the Earl of Athole, the Knight of Liddesdale, lately returned from captivity, the Earl of March, who had embraced the party of David Bruce, and renounced his allegiance to Edward, Alexander de

<sup>1</sup> Winton, vol. ii. p. 177.

<sup>2</sup> Winton, b. 8. c. 29. vol. ii. p. 183. I have rejected the story of the attempt to drown the garrison by damming up the lake, as physically absurd, and unnoticed by Winton. See Macpherson's Notes on Winton, vol ii. p. 507.

Mowbray, and other Scottish barons. At a moment when unanimity was of infinite importance in the national councils, the ambition and overweening pride of the Earl of Athole embroiled the deliberations, and kindled animosities amongst the leaders. His motives are not easily discovered. It is probable, that as he became convinced that Baliol would never be suffered to reign in Scotland, his own claims to the crown became uppermost in his mind, and that he was induced to renounce the allegiance which he had sworn to Edward, in the hope, that if Baliol were set aside, he might have a chance, amid the confusions of war, to find his way to the throne. He appeared accordingly at the parliament with a state and train of attendants almost kingly; and, having gained an ascendancy over the young Steward, treated Moray and Douglas with such haughtiness, that the assembly became disturbed by mutual animosities and heart-burnings among the barons, and at length broke up in great confusion.<sup>1</sup> Ambassadors soon after this arrived in England from Philip of France, earnestly recommending a cessation of hostilities between his ancient allies the Scots, and the king of England; but Edward, intent upon his scheme of conquest, although he consented to a short truce, continued his warlike preparations, and, despising all mediation, determined again to invade Scotland, and dictate the terms not of peace, but of absolute submission.

About midsummer, the English king, accompanied

<sup>1</sup> Fordun a Goodal, b. 13. cap. 24. vol. ii. p. 317.



by Baliol, joined his army at Newcastle, having along with him the Earl of Juliers, with Henry Count of Montbellegarde, and a large band of foreign mercenaries.<sup>1</sup> Meanwhile, his fleet, anticipating the movements of the land forces, entered the firth of Forth, and while Edward, with one part of his army, advanced by Carlisle into Scotland, Baliol, having along with him those English barons upon whom he had bestowed estates, and assisted by a numerous body of Welsh soldiers, remarkable for their ferocious manners, proceeded from Berwick. But, notwithstanding the great preparations, the campaign was one of little interest. Having penetrated to Glasgow, the two kings united their forces, and advanced to Perth without meeting an enemy. By an order of the regents, the Scots drove their cattle and removed their goods from the plain country, to wild and inaccessible fastnesses among the mountains, so that the English only wasted a country already deserted by its inhabitants.<sup>2</sup> They did not, however, entirely escape molestation; for the Scottish barons, although too prudent to oppose them in a pitched field, hovered round their line of march, and more than once caught them at a disadvantage, suddenly assailing them from some concealed glen or ambush, and cutting off large bodies who had separated themselves from the main army. In this way, a body of five hundred archers were attacked and cut to pieces by Moray the regent, and Sir William Douglas.<sup>3</sup> On another occasion, the Earls of March

<sup>1</sup> Leland, Collect. vol. i. p. 555.

<sup>2</sup> Fordun & Hearne, vol. iv. p. 1025.

<sup>3</sup> Knighton, p. 2567.

and Moray fell upon the Earl of Namur, as he was leading his band of foreign knights to join Edward at Perth. The two parties met on the Borough Muir; for the foreign troops, imagining that the country was wholly in possession of the English, had advanced fearlessly towards Edinburgh. The mercenaries, however, clad in complete steel, and strongly mounted, made a desperate defence; nor was it till the appearance of the Knight of Liddesdale with a reinforcement, that they found themselves compelled to retreat into the town. Confined within the streets and lanes, the conflict now changed into a series of single combats; and it is interesting to remark the warm spirit of chivalry which diffuses itself into the details of our ancient historians, in their descriptions of this event. They dwell with much complacency on a famous stroke made by Sir David de Annand, a Scottish knight, who, enraged by a wound from one of the mercenaries, raised himself in his stirrups, and wielding a ponderous battle-axe with both hands, hewed down his opponent with such force, that the weapon cut sheer through man and horse, and was only arrested by the stone pavement, where the mark of the blow was shown in the time of the historian.<sup>1</sup> The foreign soldiers were at last driven up the High street to the castle.<sup>2</sup> This fortress had been dismantled, but Namur and his knights took their stand on the rock, and having killed their horses, piled their bodies into a mound, behind which they for a while

<sup>1</sup> Extracta ex Chronicis Scotiæ, folio, 197. Fordun, vol. ii. p. 319.

<sup>2</sup> Leland, Coll. p. 555.

kept the Scots at bay. They were at last compelled to surrender ; and Moray and Douglas treated their noble prisoner, who was near kinsman to their ally the King of France, with chivalrous generosity.<sup>1</sup> He and his brother knights and soldiers were set at liberty without ransom, and their captors accompanied them with an escort across the English border. This act of courtesy cost Moray very dear. On his return, his little party was attacked by the English, under William de Pressen, warden of Jedburgh Forest,<sup>2</sup> and entirely routed. The regent was taken prisoner and instantly ironed and shut up in the strong castle of Bamburgh ; Douglas, however, had the good fortune to escape a second captivity in England, but his brother James Douglas was slain.<sup>3</sup>

From Perth, Edward and Baliol made a destructive progress through the north of Scotland, and soon after the Earl of Cornwall, brother to the King of England, along with Sir Anthony Lucy, ravaged the western district of the kingdom, not even sparing the religious houses, but rasing the churches to the ground, and burning along with them the unhappy wretches who had there taken sanctuary. After this he marched to Perth, and joined his forces to those of the king, who had returned from his northern expedition.<sup>4</sup>

At this melancholy crisis, when, to use an expression of an ancient historian, none but children in their

<sup>1</sup> Fordun a Hearne, vol. iv. p. 1026.    <sup>2</sup> Winton, vol. ii. p. 194.

<sup>3</sup> Fordun a Goodal, vol. ii. p. 323.

games dared to call David Bruce their king,<sup>1</sup> the Earl of Athole showed his versatile and selfish character. The captivity of Moray the regent had delivered him from a formidable opponent, and the young Steward unfortunately continued to be swayed by his opinion. Athole's ambition now prompted him to aspire to the vacant office of regent, for the purpose, as was shown by the result, of gratifying his rapacity and his revenge. He accordingly informed Edward, that he and his friends were willing to make their final submission, and he dispatched five deputies, who concluded a treaty at Perth, in which the English monarch agreed, that "the Earl of Athole, and all other Scottish barons who came under his peace, should receive a free pardon, and have their estates in Scotland secured."<sup>2</sup> By another article, the large English estates of this powerful baron were restored to him; and to give a colour of public zeal to an agreement essentially selfish, it was stipulated that the franchises of the Scottish church, and the ancient laws of Scotland, should be preserved as they existed in the reign of Alexander the Third.<sup>3</sup> As the price of this pacification, Athole was immediately appointed governor in Scotland under Baliol; and Edward, having repaired the fortifications of Perth, and rebuilt the castles of Edinburgh and Stirling, returned to England.

<sup>1</sup> Winton, vol. ii. p. 184.

<sup>2</sup> Knighton, p. 2566. This indemnity was declared not to extend to those who, *by common assent*, should be hereafter excepted from it.

<sup>3</sup> Tyrrel, vol. iii. p. 387.

Anxious to distinguish himself in the service of his new master, Athole now began to slay and imprison the friends of Bruce, and to seize and confiscate their estates, with a cruelty and rapacity which filled the hearts of the people with the most eager desire of vengeance.<sup>1</sup> Nor was this long of being gratified. The handful of brave men, who still obstinately supported their independence, chose for their leader Sir Andrew Moray of Bothwell, in early life the pupil of Wallace, a soldier of veteran experience, and of undoubted integrity. Moray did not long remain inactive, and his first enterprise was eminently successful. It happened, that within Kildrummie, a strong castle in the north, his wife, a noble matron, and sister of Robert Bruce, had taken refuge during the insolent administration of Athole, who, eager to make himself master of so valuable a captive, instantly attacked it. Moray as hastily collected a small army, and burning with a resentment which was kindled by a sense both of public and private wrongs, flew to raise the siege: he was accompanied by the Knight of Liddesdale and the Earl of March. Their troops encountered those of Athole in the Forest of Kilblene, and, after a short resistance, entirely dispersed them: Athole himself, with five knights who attended him, was slain in the wood.<sup>2</sup> He died young in years, but old in political intrigue and am-

<sup>1</sup> Fordun & Hearne, vol. iv. p. 1026.

<sup>2</sup> Winton, b. 8. cap. 31. vol. ii. p. 201. Fordun & Hearne, vol. iv. p. 1027.

bition, and successively the friend of every party which promised him most personal advantage. Insolent and unsteady, he yet possessed, from his immense estates and noble birth, a great capacity of doing mischief; and not only his last agreement with Edward, but the indiscriminate cruelty, with which he was at that moment hunting down the few remaining friends of liberty, rendered his death, at this crisis, little less than a public benefit. It was followed by the election of Sir Andrew Moray to the regency of the kingdom, in a parliament held at Dunfermline.<sup>1</sup>

It might have been evident to Edward, long before this, that although it was easy for him to overrun Scotland, and destroy the country by the immense military power which he possessed, yet the nation itself was farther than ever from being subdued. The Scots were strong in their love of liberty, and in their detestation of Baliol, whom they now regarded with the bitterest feelings of contempt. It was true, indeed, that many of their highest nobles, swayed by private ambition, did not hesitate to sacrifice their country to the lust of power; yet, amongst the barons and gentry, there was always a remnant left, who were animated by better feelings, and kept up the spirit of resistance against the power of England.

This was remarkably shown in the history of the present period. The death of Athole was followed by the re-appearance of Edward in Scotland, at the head

<sup>1</sup> Fordun a Hearne, p. 1028.

of a formidable army, which was strengthened by the accession of the Anglicized Scottish barons and their numerous vassals. Alarmed at the declaration, now openly made by the French king, of his intention to assist his ancient allies,<sup>1</sup> and prompted by the restless desire, so often formed, and so constantly defeated, of completing the subjugation of the country, the English monarch penetrated first to Perth, and afterwards into the more northern parts of the kingdom. His march was, as usual, marked by the utter destruction of the country through which it lay. The counties of Aberdeen, Nairn, and Inverness, with their towns and villages, were wasted by fire and sword, but he in vain endeavoured to bring the regent, Sir Andrew Moray, to a battle.<sup>2</sup> Under the command of this veteran leader, the Scots, intimately acquainted with the country, were ever near their enemy, and yet always invisible to them; and an anecdote of a masterly retreat, made during this northern campaign, has been preserved, which is strikingly characteristic of the cool discipline of Moray. On one occasion, word being brought to Edward that the regent was encamped in the wood of Stronkaltere,<sup>3</sup> he instantly marched against him. The intelligence was found to be true; the English and Scottish outposts came in sight of each other, in a winding

<sup>1</sup> Rymer, vol. iv. pp. 704, 705, 706.

<sup>2</sup> Fordun a Hearne, p. 1028.

<sup>3</sup> The exact position of this ancient wood cannot now be discovered. I conjecture it was in Perthshire, somewhere between Dunkeld and Blair.

road leading through the wood, and after some skirmishing, the Scots fell back to inform Moray of the near approach of the English army. The general was then at mass, and, although the danger was imminent, none dared to interrupt him till the service was concluded. On being told that Edward and his army were at hand in the forest, he observed there was no need of haste; and, when the squires brought him his horse, began quietly to adjust its furniture, and to see that the girths were tight and secure. When this was going on, the English every moment came nearer, and the Scottish knights around Moray showed many signs of impatience. This, it may be imagined, was not lessened when one of the saddle-girths snapt as he buckled it; and the regent, turning to an attendant, bade him bring a coffer from his baggage, from which he took a skin of leather, and sitting down leisurely on the bank, cut off a broad stripe, with which he mended the fracture. He then returned the box to its place, mounted his horse, arrayed his men in close column, and commenced his retreat in such order, that the English did not think it safe to attack him; and having at last gained a narrow defile, he disappeared from their view without losing a man. "I have heard," says Winton, "from knights who were then present, that in all their life they never thought time to go so slow, as when their old commander sat mending his horse furniture in the wood of Stronkaltere."<sup>1</sup>

<sup>1</sup> Winton, vol. ii. pp. 204, 205.



The widow of Athole was, soon after this, shut up by the army of Moray in the Castle of Lochendorb : she was the daughter of Henry Beaumont, who, forgetful of the conditions under which he had obtained his freedom at Dundarg, had accompanied Edward into Scotland, and she now earnestly implored the king and her father, to have compassion on her infant and herself, and to raise the siege. It was an age in which the ordinary events of the day assumed a chivalrous and romantic character. A noble matron, in sorrow for the slaughter of her husband, beleaguered in a wild mountain fortress, and sending for succour to the King of England and his barons, is an incident exactly similar to that which we look for in *Amadis* or *Palmerin*. Edward obeyed the call, and hastened to her rescue. On his approach, the regent again retired into the woods and morasses ; and the king, having freed the Countess from her threatened captivity, wasted with fire and sword the rich province of Moray. Unable, however, to dislodge the Scottish commander from his strengths, he was at last compelled to leave the country, with the conviction that every forest or mountain-hold which he passed, afforded a shelter for his mortal enemies, who would reappear the instant he retreated. He endeavoured, however, more effectually to overawe and keep down the spirit of resistance, by having a powerful fleet in the firth of Forth, and on the eastern and western coasts of the kingdom ;<sup>1</sup> and before he retired, he repaired and garri-

<sup>1</sup> Fordun a Goodal, vol. ii. pp. 318, 322.

soned anew the most important fortresses in the kingdom. He then left a reinforcement of troops with his army at Perth, intrusted the command to his brother, the Earl of Cornwall, and returned to England.

On his departure, Sir Andrew Moray instantly appeared from his fastnesses. Sir William Douglas the Knight of Liddesdale, Sir William Keith, and other patriot barons, assembled their vassals; and the castles of Dunotter, Kinclevin, and Laurieston, were wrested from the English, after which, according to Bruce's old practice, they were broken up and dismantled.<sup>1</sup> Soon after, the regent made himself master of the tower of Falkland and the castles of St Andrews, Leuchars, and Bothwell, which he entirely rased and destroyed.<sup>2</sup>

A grievous famine, occasioned by the continued ravages of war, and the cessation of all regular agricultural labour, had for some time desolated Scotland; and the regent, anxious to obtain subsistence for his army in the enemy's country, made various predatory expeditions into England.<sup>3</sup> On his return, he reduced

<sup>1</sup> Fordun a Hearne, vol. iv. p. 1030. Leland Coll. vol. i. p. 556. Winton, vol. ii. p. 214.

<sup>2</sup> Fordun a Hearne, vol. iv. p. 1031. It is stated by this historian, that after this Moray commenced the siege of Stirling; but that the English monarch, advertised of these disasters, again flew to his army in Scotland, while his wary antagonist, as was his custom, retired before a superior force, and awaited the return of Edward to his own dominions. This event, however, belongs, I suspect, to a later year.

<sup>3</sup> Fordun a Goodal, vol. ii. p. 324. Rotuli Scot. ii. Edward III. vol. i. p. 507.

the whole of the Lothians, and laid siege to the castle of Edinburgh. The lords marchers of England hastened with a strong body of troops to relieve it. They were encountered by William Douglas, the Knight of Liddesdale, near Crichton castle, and, after much hard fighting, were compelled to retire across the Tweed. But Douglas was grievously wounded, and his little army so crippled with the loss which he sustained, that Moray deemed it expedient to abandon the siege.<sup>1</sup>

During the whole of this obstinate war, the French King had never ceased to take a deep interest in the affairs of his ancient allies. Before David had been compelled to take refuge in his kingdom, he had sent him a seasonable present of a thousand pounds.<sup>2</sup> By his earnest remonstrances he had succeeded in procuring many truces in favour of the Scots; and, as the breach between France and England gradually grew wider, the French ships had occasionally assisted the Scottish privateers in infesting the English coast, and had supplied them with stores, arms, and warlike engines.<sup>3</sup> Against these maritime attacks, it was the policy of Edward to arm the vessels of the petty sea-kings, who were lords of the numerous islands with which the western sea is stud-

<sup>1</sup> Fordun & Goodal, vol. ii. p. 932. Leland's Coll. vol. i. p. 556.

<sup>2</sup> Chamberlain, Accounts Compot. Camerar. Scotiæ, p. 253. Et de 56 lb. 13 sh. 4d. recept. de Dno Com. Moraviæ de illis mille libris, concess. Dno nostro regi per regem Franciæ ante adventum suam in Franciam. Ibid. p. 261.

<sup>3</sup> Rotuli Scotiæ, vol. i. p. 513.

ded; and for this purpose he had entered into a strict alliance with John of the Isles,<sup>1</sup> one of the most powerful of these island chiefs. But his efforts in the Scottish war began at length to languish; occupied with his schemes of continental ambition, he found himself unable to continue hostilities with his usual energy; and, after four successive campaigns in Scotland, which he had conducted in person, at the head of armies, infinitely more numerous than any which could be brought against them, he had the mortification to discover, that the final conquest of that country was as remote as ever. He now endeavoured to gain time, by amusing the Scots with the hopes of a general peace; but the barons who led the opposition against England were well informed of the approaching rupture with France, and, aware that the opportunity was favourable for the entire expulsion of the English, they rejected all overtures for a pacification, and pushed on the war with vigour.

The event showed the wisdom of such conduct; for the English monarch had advanced too far in his quarrel with Philip to withdraw, or even postpone, his pretensions, and to the great joy of the Scots, war between the two countries was declared, by Edward making his public claim to the crown of France on the 7th of October 1337.<sup>2</sup>

The Earls of Arundel, Salisbury, and Norfolk,

<sup>1</sup> Rymer *Fœdera*, vol. iv. p. 711. *Rotuli Scotiæ*, 11 Edward III. p. 516.

<sup>2</sup> Rapin's *Acta Regia*, vol. i. p. 239. Rymer's *Fœdera*, vol. iv. p. 818.

with Edward Baliol, were now left in command of the army in Scotland; and, on the failure of the negotiations for peace, Salisbury laid siege to the castle of Dunbar, a place of great strength and importance, as the key to Scotland on the south-east border.<sup>1</sup> The Earl of March, to whom this fortress belonged, happened to be then absent. His wife was a daughter of the famous Randolph Earl of Moray, and with the heroic spirit of her family, this lady undertook the defence of the castle. For five months, in the absence of her lord, Black Agnes of Dunbar, as she was called by the vulgar from her dark complexion, maintained an intrepid stand against the assault of the English army, and with many fierce witticisms derided them from the walls. When the stones from the engines of the besiegers struck upon the battlements, she directed one of her maidens to wipe off the dust with a white napkin, a species of female defiance which greatly annoyed the English soldiers. Perpetually on the ramparts, or at the gate, she exposed her person in every situation of danger, directing the men-at-arms and the archers, and extorting even the praise of her enemies by her determined and warlike bearing. It happened that an arrow from one of the Scottish archers struck an English knight, who stood beside the Earl of Salisbury, through his surcoat, and piercing the habergeon, or chained mail-coat, which was below it, made

<sup>1</sup> Fordun a Goodal, vol. ii. p. 325.

<sup>2</sup> Winton, vol. ii. p. 208.

its way through three plies of the acton which he wore next his body, and killed him on the spot,—“There,” cried Salisbury, “comes one of my lady’s tire-pins: Agnes’s love shafts go straight to the heart.” At length, the English, foiled in every assault, and finding that the strength of the walls defied the efforts of their battering engines, judged it necessary to convert the siege into a blockade. This had nearly succeeded. A strong fleet, amongst which were two large Genoese ships, entirely obstructed all communication by sea, and the garrison began to suffer dreadfully from want of provisions, when Alexander Ramsay of Dalhousie sailed with a light vessel, at the dead of night, from the Bass. Favoured by the darkness, he passed unobserved through the line of the enemy’s fleet, and ran his ship, laden with provisions, and with forty stout soldiers on board, close under the wall of the castle next the sea. This last success deprived Arundel and Salisbury of their only hope of making themselves masters of this important fortress; and mortified by repeated failure, they withdrew the army, and retired with the disgrace of having been foiled for five months, and at last entirely defeated, by a woman.<sup>1</sup>

Edward now began to experience the distress which the expense of a double war, and the necessity of maintaining an army both in France and Scotland, necessarily entailed upon him. Animated by the

<sup>1</sup> Fordun & Hearne, vol. iv. p. 1032. Fordun & Goodal, vol. ii. p. 325. MS. Extracta ex Chronicis Scotiæ, folio, p. 201.

fiercest resentment, the Scots, under the guidance of such able soldiers as the regent, the Knight of Liddesdale, and Ramsay of Dalhousie, were now strong enough to keep the open country, which they cleared of their enemies, compelling the English to confine themselves within the walls of their castles. Edinburgh, Perth, Stirling, Cupar, and Roxburgh, were still in their hands, and the king commanded very large supplies of provisions to be levied upon his English subjects, and transported into Scotland ; but this occasioned grievous discontent, and in some cases the commissaries were attacked and plundered.<sup>1</sup> Nor even when the supplies were procured, was it an easy matter to carry them to their destination ; for the Scots watched their opportunity, and became admirably expert in cutting off convoys, and assaulting foraging parties ; so that the war, without any action of great consequence, became occupied by perpetual skirmishes, concluding with various success, but chiefly on the side of the Scots. Sir William Douglas, the Knight of Liddesdale, whose bravery procured him the title of the Flower of Chivalry, expelled the English from Teviotdale ; overpowered and took prisoner Sir John Stirling at the head of five hundred men-at-arms ; intercepted a rich convoy near Melrose as it proceeded to the castle of Hermitage, which he soon after reduced ; attacked and defeated Sir Roland de Vaux ; and totally routed Sir Laurence Abernethy,

<sup>1</sup> *Rotuli Scotiæ*, 12 Ed. III. Oct. 12th, vol. i. p. 546. See also pp. 438, 451.

after a conflict repeatedly renewed, and very desperately contested.<sup>1</sup>

Meanwhile, in the chivalrous spirit of the age, these desperate encounters were sometimes abandoned for the more pacific entertainments of jousts between the English and Scottish knights, the result of which, however, proved scarcely less fatal than in the conflicts of actual war. Some of these throw a strong light on the manners of the times. Henry de Lancaster, Earl of Derby, with great courtesy, sent a herald to request the Knight of Liddesdale to run with him three courses; but in the first Douglas was deeply wounded, by a splinter of his own lance, in the hand, and compelled to give up the contest. The English earl now entreated Sir Alexander Ramsay of Dalhousie to hold a solemn jousting for three days at Berwick, twenty against twenty; a proposition which was instantly accepted, but it turned out a sanguinary pastime. Two English knights were slain; and Sir William Ramsay was struck through the bars of his aventaille by a spear, which penetrated so deep, that it was deemed certain he would expire the moment it was extracted. He was confessed therefore in his armour; and as the knights crowded round, "So help me, Heaven," said Derby, who stood hard by, "I would desire to see no fairer sight than this brave baron thus shrievied with his helmet on; happy man should I be, could I ensure myself such an ending." Upon this, Sir Alexander Ramsay placed his foot upon his kinsman's helmet,

<sup>1</sup> Fordun a Goodal, vol. ii. p. 329.



and by main force pulled out the broken truncheon, when the wounded knight started on his feet, and declared he should soon ail nothing. He died, however, immediately in the lists.<sup>1</sup> "What stout hearts these men have!" was Derby's observation; and with this laconic remark the jousting concluded. On another occasion, Sir Patrick de Graham, a Scottish knight of high reputation, having arrived from France, Lord Richard Talbot begged to have a joust with him, and was borne out of his saddle and wounded, though not dangerously, through his harbergeon. Graham was then invited to supper; and in the midst of the feast, a stout English knight, turning to him, courteously asked him to run him three courses. "Sir knight," replied Graham, "if you would joust with me, I advise you to rise early and confess, after which you will soon be delivered." This was said in mirth, but it proved true; for in the first course, which took place next morning, Graham struck the English knight through the harness with a mortal wound, so that he died on the spot.<sup>2</sup>

Such were the fierce pastimes of those days of danger and blood. On resuming the war, the tide of success still continued with the Scots, and Sir Alexander Ramsay rivalled and almost surpassed the fame of the Knight of Liddesdale. At the head of a strong band of soldiers, he infested the rocky and wooded banks of the Esk; and concealing himself, his followers, and his booty, in the caves of Hawthornden, sal-

<sup>1</sup> Fordun a Goodal, vol. i. p. 329. Winton, vol. ii. p. 220, 223.

<sup>2</sup> Winton, vol. ii. p. 224.

lied from their dark recesses, and carried his depredations to the English borders, cruelly ravaging the land, and leading away from the smoking hamlets and villages many bands of captives. In these expeditions his fame became so great, that there was not a noble youth in the land who considered his military education complete, unless he had served in the school of this brave captain.<sup>1</sup> On one occasion he was pursued and intercepted by the lords marchers in a plain near Werk castle; but Ramsay attacked, and totally routed the marchers, took Lord Robert Manners prisoner, and put many to the sword.<sup>2</sup>

About this time Scotland lost one of its ablest supporters. Sir Andrew Moray the regent, sinking under the weight of age, and worn out by the constant fatigues of war, retired to his castle at Avoch, in Ross, where he soon after died, upon which the High Steward was chosen sole governor of Scotland. Moray, in very early life, had been chosen by Wallace as his partner in command, and his future military career was not unworthy of that great leader. His character, as it is given by Winton, possesses the high merit of having been taken from the lips of those who had served under him, and knew him best. He was, says he, a lord of great bounty, of sober and chaste life, wise and upright in council, liberal and generous, devout and charitable, stout, hardy, and of great courage.<sup>3</sup>

<sup>1</sup> Fordun a Goodal, vol. ii. p. 333.

<sup>2</sup> Fordun a Goodal, vol. ii. p. 333. Leland, Coll. vol. i. p. 557.

<sup>3</sup> Winton, vol. ii. p. 217.

He was endowed with that cool, and somewhat stern and inflexible character of mind, which peculiarly fitted him to control the fierce temper of the feudal nobility, at a period when the task was especially difficult ; and it may be added, that, when the bravest, despairing for their country, had saved their estates by the sacrifice of its independence, Moray scorned to follow such examples, and appears never to have sworn fealty to any king of England. He was buried in the little chapel of Rosmartin ; but his body was afterwards raised and carried to Dunfermline, where it now mingles with the heroic dust of Bruce and Randolph.<sup>1</sup>

The first act of the Steward was to dispatch the Knight of Liddesdale upon a mission to the court of France, to communicate with King Philip, and to procure assistance. He then assembled his army, and with his knights and barons commenced the siege of Perth, upon the fortifications of which the English, considering it a station of the first importance, had expended vast sums of money. Meanwhile Baliol, universally hated by his countrymen, became an object of suspicion to the English, and leaving Perth, in obedience to the orders of Edward, retired, a pensioned dependent, into England. Ughtred, a baron who had risen to high command in the Scottish war, undertook its defence, and for ten weeks the town resisted every effort of the besiegers ; so that the army of the Steward began to lose heart,

<sup>1</sup> Fordun a Hearne, vol. iv. p. 1032.

and to meditate a retreat, when there suddenly appeared in the Tay five French ships of war.

This squadron was commanded by Hugh Hautpile, a daring and skilful naval officer, and had on board a strong party of men-at-arms, under the leading of Arnold Audineham, afterwards a marshal of France,<sup>1</sup> the Lord of Garencieres, who had formerly been engaged in the Scottish wars, and two brave esquires, Giles de la Huse and John de Bracy. Along with them came the Knight of Liddesdale; and immediately, all idea of relinquishing the siege being abandoned, hostilities recommenced, by the French ships seizing the English victualling vessels, and effectually cutting off every supply from the garrison.

At this time William Bullock, Baliol's chancellor, who commanded in the strong castle of Cupar, which had baffled the attack of the late regent, betrayed his master, and joined the army before Perth. This military ecclesiastic was one of those extraordinary individuals, whom the troubled times of war and civil disorder so frequently call out from the quiet track, to which more ordinary life would have confined them. His talents for state affairs and for political intrigue were very great; yet it is said that his ability in these matters was exceeded by his uncommon genius for war; and we shall not wonder that, in such times, the combination of these qualities made him to be dreaded and courted by all parties.

<sup>1</sup> Froissart par Buchon, vol. i. p. 211. Compot. Camerarii Scotiæ, p. 255, 277. Fordun a Goodal, vol. ii. p. 330.

In addition to this, he was ambitious, selfish, and fond of money, passions which could not be gratified if he continued to prop a falling cause. Accordingly, the arrival of the French auxiliaries, the desertion of Scotland by Baliol, with the bribe of an ample grant of lands,<sup>1</sup> induced him to renounce the English alliance, and deliver up the strong castle of Cuper, where he commanded. He then joined the army besieging Perth, and his great military experience was soon shown, by the success of the operations which he directed. Although the Knight of Liddesdale was grievously wounded by a javelin, thrown from one of the springalds, and the two captains of the Scottish archers slain, yet Bullock insisted in continuing and pressing on the siege;<sup>2</sup> and the Earl of Ross, with a body of miners, contrived to make a subterranean excavation under the walls, by which he drew off the water from the fosse surrounding the town, and rendered an assault more practicable. The minuteness of one of our ancient chronicles has preserved a striking circumstance which occurred during the siege. In the midst of the military operations the sun became suddenly eclipsed, and, as darkness gradually spread over all things, the soldiers of both armies forgot their duties, and sinking under the influence of superstitious terror, gazed fearfully on

<sup>1</sup> It must have been ample, for Bullock renounced a considerable property conferred on him by Edward. See *Rotuli Scotiæ*, 28th July, 13 Ed. III.

<sup>2</sup> *Fordun a Goodal*, vol. ii. p. 390. *Winton*, vol. ii. p. 234.

the sky.<sup>1</sup> Bullock, however, unintimidated by what was then considered an omen of wrath, gave orders for the tents to be struck and pitched nearer the walls, previous to his attempt to storm ; but the English governor had now lost resolution, and seeing his provisions exhausted, his hope of supplies reaching him by sea cut off, and his fosse dry and ready to be filled by the faggots of the besiegers, capitulated upon honourable terms. The soldiers of the garrison and the governor Ughtred were instantly shipped off for England, where his conduct became the subject of parliamentary inquiry.<sup>2</sup> Thus master of Perth, the Steward, according to the wise policy of Bruce, cast down the fortifications,<sup>3</sup> and proceeded to the siege of Stirling.

It is difficult to imagine a more lamentable picture than that presented by the utter desolation of Scotland at this period. The famine, which had been felt for some years, now raged in the land. Many of the Scots had quitted their country in despair, and taken refuge in Flanders ; others, of the poorer sort, were driven into the woods, and, in the extremities of hunger, feeding like swine upon the raw nuts and acorns which they gathered, were seized with diseases which carried them off in great agony.<sup>4</sup> The continued miseries of war reduced the country round Perth to the state of a desert, where there was

<sup>1</sup> Winton, vol. ii. p. 234.

<sup>2</sup> Fœdera, vol. v. p. 131.

<sup>3</sup> Winton, vol. ii. p. 236.

<sup>4</sup> Fordun a Goodal, vol. ii. p. 324. Winton, vol. ii. p. 217.

neither house for man, nor harbour for cattle, and the wild deer coming down from the mountains, resumed possession of the desolate region, and ranged in herds within a short distance of the town. It is even said, that some unhappy wretches were driven to such extremities of want and misery, as to prey upon human flesh; and that a horrid being, vulgarly called *Cristicleik*, from the iron hook with which he seized his victims, took up his abode in the mountains, and, assisted by a ferocious female, with whom he lived, lay in ambush for the travellers who passed near his den, and methodically exercised the trade of a cannibal.<sup>1</sup> The story is perhaps too dreadful for belief, yet Winton, who relates it, is in no respect given to the marvellous; and a similar event is recorded as late as the reign of James the Second.

In the midst of this complicated national distress, the Steward continued to prosecute the siege of Stirling with the utmost vigour and ability; and Rokesbury the governor, after a long and gallant defence, was at last compelled by famine to give up the castle, which, being found too strong in its mason work and bastions to be easily dismantled, was intrusted to the keeping of Maurice of Moray, a baron of great power and vassalage.<sup>2</sup> In this siege, the Scots had to lament

<sup>1</sup> Winton, vol. ii. p. 236. Fordun a Goodal, vol. ii. p. 331.

<sup>2</sup> Lord Hailes seems to have antedated the siege of Stirling, when he places it in the year 1339. We find, from the *Rotuli Scotiæ*, 14 Ed. III. m. 15, that Stirling was in possession of the English as late as 1340; and that in June 1341, the Scots were employed in the second siege of Stirling. What was the exact date of the first

the loss of Sir William Keith, a brave and experienced soldier, who had done good service in these wars. As he mounted the ladder in complete armour, he was struck down by a stone thrown from the ramparts, and, falling heavily and awkwardly, was thrust through by his own spear.<sup>1</sup> It is related by Froissart, that the Scots made use of cannon at the siege of Stirling; but the fact is not corroborated by the contemporary Scottish historians.

Scotland had of late years suffered grievously from famine, and had owed its support, more to provisions surreptitiously imported from England, contrary to the repeated proclamations of the king, than to the fruits of her own industry.<sup>2</sup> But the exertions of the High Steward and his fellow soldiers, Douglas and Ramsay, had now expelled the English armies from nearly the whole country; the castles of Edinburgh, Jedburgh, Lochmaben, and Roxburgh, with some inferior strengths in their vicinity, were all that remained in the hands of Edward; and the regent seized a short interval of peace to make a progress through the country, for the re-establishment of order, and the distribution of justice.<sup>3</sup> The good effects of this were soon observable in the gradual revival of regular industry: to use the strong language of Bower, the kingdom began to breathe anew, hus-

siege is uncertain, but it seems to have been interrupted by an armistice.—Fordun & Hearne, p. 1031, asserts, that Sir William Keith was slain at the siege of Stirling in 1337; but the date is an error.

<sup>1</sup> Winton, vol. ii. p. 237.

<sup>2</sup> Rotuli Scotie, vol. i. p. 541.

<sup>3</sup> Fordun & Goodal, vol. ii. pp. 331, 332.



bandmen once more were seen at the plough, and priests at the altar; but the breathing time which was allowed, proved too short to give permanency to these changes. War suddenly recommenced with great fury; and the castle of Edinburgh, commanded by Limosin, an English knight, fell into the hands of the enemy. The Scots owed the possession of this fortress to a stratagem of Bullock, the late governor of Cupar, which was executed with great address and boldness by the Knight of Liddesdale.

The castle was strongly fortified both by art and nature; and, as its garrison scoured and commanded the country round, they gave great annoyance to the Scots. Douglas, who lurked in the neighbourhood with two hundred soldiers, procured Walter Curry, a merchantman of Dundee,<sup>1</sup> to run his ship into the Forth, under pretence of being an English victualling vessel, and to make an offer to supply the garrison with wine and corn. The device succeeded; and the porter, without suspicion, opened the outer gate and lowered the drawbridge to the waggons and hampers of the pretended merchant and his drivers, who, throwing off the grey frocks which covered their armour, stabbed the warder in an instant, and sounded a horn, which called up Douglas and his men from their ambush at the foot of the hill. All this could not be so rapidly executed, but that the cry of

<sup>1</sup> Curry seems to have been assisted by another person, named William Fairley. Chamberlain Accounts.—*Comptum Camerarii Scotiæ*, p. 278. They received a grant of 100 lbs. reward from a parliament held at Scone.—*Ibid.*

treason alarmed the governor ; and the soldiers arming in haste, and crowding to the gates, began a desperate conflict. The waggons, however, had been so dexterously placed, that it became impossible to let down the portcullis ; and Douglas rushing in with his men, soon decided the affair. Of the garrison, only the governor, Limosin, and six esquires, escaped ;<sup>1</sup> the rest were put to the sword, and the command of the castle was intrusted to a natural brother of the Knight of Liddesdale.

There are two particulars regarding this spirited enterprise, which are curious and worthy of remark. Curry was a Scotsman, yet it seems he found no difficulty in introducing himself as an English merchant, from which there arises a strong presumption, that the languages spoken in both countries were nearly the same ; and both he and his followers, before they engaged in the enterprise, took the precaution of shaving their beards, a proof that the Norman fashion of wearing no beard, had not been adopted in Scotland in the fourteenth century.<sup>2</sup>

Soon after this success, the regent and the estates of Scotland, considering the kingdom to be now almost cleared of their enemies, sent a solemn embassy to France, requesting that their youthful sovereign would return to his dominions. David accordingly, who had now for nine years been an exile in a foreign land, embarked with his queen ; and, although

<sup>1</sup> Froissart, vol. i. p. 359. *Edition de Buchon.*

<sup>2</sup> Winton, vol. ii. pp. 240, 243. Fordun a Goodal, vol. ii. p. 332.

the English ships had already greatly annoyed the Scots, and still infested the seas, he had the good fortune to escape all interruption, and to land in safety at Innerbervie on the 4th of June, where he was received with the utmost joy and delight by all classes of his subjects.<sup>1</sup> He was now in his eighteenth year, a youth violent in his passions and resentments, and of considerable personal intrepidity; but his education at the French court had smitten him with an immoderate love of pleasure: he possessed few of the great qualities necessary for the government of a kingdom so perilously circumstanced as Scotland, and appears to have been totally unacquainted with the characters of the fierce and independent nobility over whom he ruled. Indeed, the circumstances in which he found the country upon his arrival, were such as, to manage successfully, required a union of prudence and firmness, which could scarcely be expected in a youthful sovereign. In the minority which had taken place since the death of Bruce, and in the absence of the name and power of a king, a race of fierce and independent barons had grown up, who ruled at will over their own vast estates, and despised the authority of the laws. Between the king and the Steward of Scotland, who now laid down his office of regent, there does not appear to have been any very cordial feelings; and it is probable that David never forgot the conspiracy of Athole in 1334, by which this fickle and ambitious baron, and the Steward, then a very

<sup>1</sup> Fordun a Goodal, vol. ii. p. 334. Winton, vol. ii. p. 250.

young man, acknowledged Baliol, and made their peace with Edward. Athole indeed was slain, and the subsequent conduct of the Steward had been consistent and patriotic; but the king could not fail to regard him with that natural jealousy, which a monarch, without children, is apt to feel towards the person whom the parliament had declared his successor, and who had already, on one occasion, shown so little regard for his allegiance.

As for the other powerful barons, the Knight of Liddesdale, his kinsman Lord William Douglas, the Earl of Moray, Sir Alexander Ramsay of Dalhousie, and Bullock, who soon after became chamberlain, they appear indeed to have been unanimous in their opposition to England, and so far could be trusted; but a long experience of military power, without the habit of acknowledging a superior, made them impatient of the contròl of a superior, and rendered it almost impossible for a sovereign so to parcel out and confer his favours amongst them, as not to excite jealousy, and sow the seed of very fatal dissensions. All this, in a short time, became apparent; and a thoughtless measure, which the youthful monarch adopted very soon after his arrival, evinced his ignorance and want of judgment in a very fatal manner. Sir Alexander Ramsay of Dalhousie had eminently distinguished himself in the Scottish wars, and was universally beloved in the country for his brave and patriotic qualities. Scarcely had the young king arrived in his dominions, when word was brought him, that Roxburgh Castle, a fortress of great strength and import-

ance, had been taken in a night escalade by this baron, upon whom, in the first ardour of his gratitude, David instantly conferred the government of the place, and along with it the sheriffship of Teviotdale.<sup>1</sup> This act of generosity originated in ignorance, but it bore the appearance of injustice, and it proved a fatal present; for the Knight of Liddesdale then held the office of sheriff, and a fierce and deadly enmity arose in the breast of Douglas against Ramsay, his old companion in arms. His way of revenging himself, affords a melancholy proof of the lawless independence of these feudal nobles, as well as of the treachery of Douglas's disposition. He first pretended to be reconciled to Ramsay; and, having silenced all suspicion by treating him with his usual friendship, he led a band of armed soldiers to Hawick, where he knew that the new sheriff held his court in the open church. It is said that Ramsay was warned of his intention, but, trusting to the reconciliation which had taken place, generously discredited the story. On Douglas entering the church, Ramsay invited him to take his place beside him; on which that fierce baron drew his sword, seized his victim, who was wounded in attempting a vain resistance, and throwing him bleeding across a horse, carried him off to his castle of Hermitage, where he thrust him into a dungeon. It happened that there was a granary above his prison, and some particles of corn fell through the chinks and crevices of the floor, upon which he

<sup>1</sup> Winton, vol. ii. p. 252.

supported a miserable existence for seventeen days, and at last died of hunger.<sup>1</sup>

It is a melancholy reflection, that a fate so horrid befell one of the bravest and most popular leaders of the Scottish nation ; and that the deed did not only pass unrevenged, but that its perpetrator received a speedy pardon, and was rewarded by the very office which had led to the murder. Douglas became governor of Roxburgh castle, sheriff of Teviotdale, and protector of the middle marches. He owed his pardon and preferment to the intercession of the High Steward of Scotland. In attempting to form an estimate of the manners of the age, it ought not to be forgotten, that this cruel and aggravated murder was perpetrated by a person, who, for his knightly qualities, was styled the " Flower of Chivalry." It was an invariable effect of the principle of vassalage in the feudal system, that the slaughter of any of the greater barons rendered it an imperative duty, in every one who followed his banner, to revenge his death upon all who were in the most remote degree connected with it ; so that we are not to wonder that the assassination of Ramsay was followed by interminable feuds, dissensions, and conspiracies, not only amongst the higher

<sup>1</sup> Winton, vol. ii. p. 254. More than four hundred years after this, a countryman, in excavating round the foundation of Hermitage Castle, laid open a stone vault, in which, amid a heap of chaff and dust, lay several human bones, along with a large and powerful bridle-bit and an ancient sword. These were conjectured, and with great probability, to have belonged to the unfortunate victim of Douglas.

nobility, but amongst the lesser barons. It was probably one of these plots, of which it is impossible now to detect the ramifications, that accelerated the fate of Bullock, the able and intriguing ecclesiastic renegade, who had deserted Baliol to join the king. Having become suspected by his master, he was suddenly stripped of his honours, deprived of the high offices in which he had amassed immense wealth, and cast amongst the meanest criminals, into a dungeon of the castle of Lochendorb, in Moray, where he was starved to death. The probable truth seems to be, that Bullock, a man of high talents, but in ambition and the love of intrigue not unlike Wolsey, had been tampering with the English, and that his fate, though cruel, was not unmerited.<sup>1</sup>

The period immediately following the arrival of David in his dominions till we reach the battle of Durham, is undistinguished by any events of importance. The Scots, with various success, invaded and ravaged the border counties of England; but a revolt of the Island chief, John of Argyle, and other northern barons,<sup>2</sup> recalled the king's attention to the unsettled state of his affairs at home, and made him willing to accede to a two years' truce with England. This interval was employed by Edward in an attempt to seduce the Knight of Liddesdale from his allegiance; and there seems reason to think that a conspiracy, at the head of which was this brave, but fierce and fickle,

<sup>1</sup> Fordun a Hearne, vol. iv. p. 1035. Fordun a Goodal, vol. ii. p. 335.

<sup>2</sup> Knighton, p. 2581.

soldier, and which had for its object the restoration of Baliol to the crown, was organizing throughout Scotland, and that Bullock, whose fate we have just recounted, was connected with the plot.<sup>1</sup> It is certain, at least, that Douglas had repeated private meetings with Baliol and the commissioners of the English king, that he had agreed to embrace the friendship of the King of England, and to receive a reward for his services.<sup>2</sup> These treacherous designs however came to nothing. It may be that the stipulated reward was not duly paid ; or, perhaps, the fate of Bullock was a timely warning to Douglas ; and anxious to wipe away all suspicion of treachery, the Knight of Liddesdale, regardless of the truce, broke across the Borders at the head of a numerous army, burnt Carlisle and Penrith, and after a skirmish with the English, in which the Bishop of Carlisle was unhorsed, retreated precipitately into Scotland.

After this recommencement of hostilities, the mortal antipathy between the two countries broke out with greater violence than before ; and the young king, believing Edward to be entirely occupied with his war on the Continent, and anxious to produce a

<sup>1</sup> This may be inferred, I think, from the circumstance, that Bullock was seized by David de Berkelay, and Berkelay himself was, not long after, waylaid and assassinated by John de Saint Michael, *at the instigation* of the Knight of Liddesdale. Fordun a Hearne, p. 1035 and 1040. See also Hume's Douglas and Angus, vol. i. p. 142, 143.

<sup>2</sup> Rotuli Scotie, vol. i. p. 637, 640. April 10th, 1343. Fœdera, vol. v. p. 379.



diversion in favour of his ally, Philip of France, gave orders for assembling an army, and resolved to invade England in person.<sup>1</sup> The muster for this invasion, which took place at Perth, was greater than any which had happened for a long period ; troops were drawn from the Islands of Scotland, as well as the mainland ; but the Highland chiefs brought their deadly feuds along with them, and these soon broke out into bloodshed. The Earl of Ross assassinated Ranald of the Isles in the monastery of Elcho, and dreading the royal vengeance, led his men back to their mountains ; a circumstance which, in those days of superstition, was interpreted by the rest of the army as a bad omen for the success of the expedition. In one respect it was worse than ominous. Not only Ross's men left the army, but the soldiers of the Isles, deprived of their head and leader, dispersed in confusion ; many of the inferior Highland lords, anxious for the preservation of their lands against the ravages which inevitably followed a deadly feud, privately deserted the royal banner, and returned home, so that the king found his forces greatly reduced in number. Inheriting, however, the bravery of his father, but, as the event showed, little of his admirable judgment and military skill, he pressed forward from Perth, and, after rapidly traversing the intervening country, on reaching the Border, sat down before the castle of Liddel, then commanded by Walter Selby. Selby was that fierce robber chief, whose

<sup>1</sup> Walsingham, p. 165 and 516.

services we have seen successfully employed by King Robert Bruce, to waylay and plunder the Roman Cardinals in their ill-fated attempt to carry the bulls of excommunication into Scotland. Since that time, he had lent himself to every party which could purchase his sword at the highest rate, and had lately espoused the quarrel of Edward Baliol, from whom he received a grant of lands in Roxburghshire.<sup>1</sup> David brought his military engines to bear upon the walls, which, after six days' resistance, were demolished.<sup>2</sup> He then stormed the castle, put the garrison to the sword, and ordered Selby to instant execution.

After this success, the veteran experience of the Knight of Liddesdale advised a retreat. Douglas was, no doubt, aware of the great strength of the northern English barons, and the overwhelming force which soon would be mustered against them ; but his salutary counsel was rejected by the youthful ardour of the king, and the jealousy of the Scottish nobles. " You have filled," said they, " your own coffers with English gold, and secured your own lands by our valour ; and now you would restrain us from our share in the plunder, although the country is bare of fighting men, and none but cowardly clerks and mean mechanics stand between us and a march to London."<sup>3</sup>

This, however, was a grievous mistake ; for, although Edward, with the noble army which had been victors at Cressy, lay now before Calais, yet Ralph

<sup>1</sup> Rotuli Scotiæ, vol. i. p. 820.    <sup>2</sup> Robert of Avesbury, p. 145.

<sup>3</sup> Fordun a Goodal, vol. ii. p. 340.

Nevil of Raby, the Lord Henry Percy, Edward Baliol the ex-king of Scotland, the Earl of Angus, and the Border Lords Musgrave, Scrope, and Hastings, with many other barons, instantly summoned their strength to repel the invasion, and a body of ten thousand men, who were ready to embark for Calais, received counter-orders, and soon joined the muster. Besides this, the Archbishops of Canterbury and York, with the Prelates of Durham, Carlisle, and Lincoln, assumed their temporal arms, and with such of their church troops and vassals as had not accompanied the king, assembled to defend the country, so that an army of thirty thousand men, including a large body of men-at-arms, and twenty thousand English archers,<sup>1</sup> were speedily on their march against the Scots.

David, meanwhile, advanced to Hexham, and for fourteen days plundered and laid waste the country, leaving his route to be traced through the bishoprick of Durham by the flames of villages and hamlets. It seems to have excited unwonted resentment and horror, that he did not spare even the sacred territory of St Cuthbert, although, if we may believe a monkish historian, the venerable saint visited the slumbers of the king, and implored him to desist from the profanation. Satiated at length with plunder, the Scottish army encamped at a place called Beaurepair, now Bear Park, within a short distance of Durham. By this time, the English army had taken up their ground in the park of Bishop Auckland, not six miles distant

<sup>1</sup> Winton, vol. ii. pp. 260, 261. Fordun a Goodal, vol. ii. p. 341.

from Beaurepair. The Scots position was ill chosen. It was a plain or common, much intersected with ditches and hedges, which separated the divisions, and hindered them from supporting each other ; and the country round was of that varied and undulated kind, that, unless the scouts were very active, an enemy might approach within a few miles without being discovered. This was, in truth, the very event which happened, and it gave melancholy proof that there were no longer such leaders as Bruce, or the Good Sir James, in the Scottish army. At break of day, the Knight of Liddesdale pushed on before the rest of the Scots. He led a strong squadron of heavy-armed cavalry, and, advancing for the purpose of forage through the grounds near Sunderland, suddenly found himself in presence of the whole English army. The proximity of the enemy rendered a retreat as hazardous as a conflict ; yet Douglas attempted to retire ; but his squadron was overtaken, and driven back, with the loss of five hundred men, upon the main body of the Scots. David instantly drew up his army in three divisions. He himself led the centre ; the right wing was intrusted to the Earl of Moray, while the Knight of Liddesdale, and the Steward, with the Earl of Dunbar, commanded the left. These dispositions were made in great haste and alarm, and scarcely completed, when the English archers had advanced almost within bowshot.<sup>1</sup> Sir John de Graham, an experienced soldier, at this moment rode up to the king, and ear-

<sup>1</sup> Winton, vol. ii. pp. 261, 262.

nestly besought him to command the cavalry to charge the archers in flank. It was the same manœuvre which had been so successful at Bannockburn, but from ignorance or youthful obstinacy, David was deaf to his advice. "Give me," cried Graham, in an agony of impatience, as the fatal phalanx of the archers advanced nearer and nearer; "give me but a hundred horse, and I engage to disperse them all."<sup>1</sup> Yet even this was unaccountably denied him, and the brave baron, seconded by none but his own followers, threw himself upon the bowmen; but it was too late; time had been given them to fix their arrows, and the deadly shower was sped. Graham's horse was shot under him, and he himself with difficulty escaped back to the army.

It was now nine in the morning, and the whole English force had come up. A crucifix was carried in the front of the line, and around it waved innumerable banners and pennons, gorgeously embroidered, and belonging chiefly to the church. The close battle now began, and under circumstances very discouraging to the Scots. The discharge of the archers had already greatly galled and distressed them, and the division commanded by the Earl of Moray was now fiercely attacked by the English men-at-arms. His array was broken and separated by the ditches and hedges which intersected the ground where he was stationed. These grievously impeded his movements, so that the

<sup>1</sup> Winton, b. 8, c. 40, vol. ii. p. 262. Fordun a Goodal, vol. ii. p. 342.

English cavalry charged through the gaps in the line, and made a dreadful havoc. At last Moray fell, and his division was entirely routed. The English then attacked the main centre of the Scots, where David commanded in person : and as it also was drawn up in the same broken and enclosed ground, the various leaders and their vassals were separated, and fought at a serious disadvantage.<sup>1</sup> Their flank, too, was exposed to the discharge of a body of ten thousand English bowmen ; and, as the distance diminished, the arrows flying with a truer aim and more fatal strength, told fearfully against the Scots. Yet the battle raged for three hours with great slaughter ;<sup>2</sup> and the young king, although he had evinced little military judgment in the disposition of his army, fought with obstinate and determined valour. He was defended by a circle of his nobility, who fell fast around him. The Constable David de la Haye, Keith the Marshal, Charters the High Chancellor, and Peebles the Lord Chamberlain, with the Earls of Moray and Strathern, and thirty barons belonging to the principal families in Scotland, were slain. The king himself was grievously wounded by two arrows, one of which pierced deep, and could not be extracted without great agony. Yet he long continued to resist and encourage the few that were left around him. An English knight named Copland, at last broke in upon him, and after a hard struggle, in which two of

<sup>1</sup> Winton, vol. ii. p. 263.

<sup>2</sup> Ibid.

his teeth were knocked out by the king's dagger,<sup>1</sup> succeeded in overpowering and disarming him.

On the capture of the king, the High Steward and the Earl of March, whose division had not suffered so severely, judging, probably, that any attempt to restore the day would be hopeless, drew off their troops, and escaped from the field without much loss;<sup>2</sup> for the English were fortunately too much occupied in plunder and making prisoners, to engage in a pursuit which might have been very fatal. Amongst the prisoners, besides the king, were the Knight of Liddesdale, the Earls of Fife, Menteith, Sutherland, and Wigton, and fifty other barons and knights. It is not too high a computation, if we estimate the loss of the Scots in this fatal battle at fifteen thousand men.<sup>3</sup> That of the English was exceedingly small, if we consider how long the conflict lasted. Froissart has asserted, that the English Queen Philippa was in the field, and harangued the troops, mounted on a white charger. The story is ridiculous, and is contradicted by all the contemporary historians, both English and Scottish.

A defeat so calamitous had not been sustained by Scotland since the days of Edward the First. Their best officers were slain or taken, and their king a captive. David, with the rest of the prisoners, were, after

<sup>1</sup> Winton, vol. ii. p. 264. Fordun, vol. ii. p. 342.

<sup>2</sup> Fordun & Hearne, p. 1038. See observations on Hailes' account of the battle of Durham, Appendix, D.

<sup>3</sup> Knighton, p. 2591. Leland, p. 561.

a short time, conveyed to London, and led in great state and solemnity to the Tower, amid a guard of twenty thousand men-àt-arms. The captive prince was mounted on a tall black courser, so that he could be seen by the whole people; and the Mayor and aldermen, with the various crafts of the city, preceded by their own officers, and clothed in their appropriate dresses, attended on the occasion, and increased the effect of the pageant.<sup>1</sup> On being lodged in the Tower, however, all expense and splendour were at an end; and Edward, with a paltry and ungenerous policy, compelled his royal prisoner to sustain the expense of his own establishment,<sup>2</sup> and imposed the same heavy tax upon his brother captives.<sup>3</sup>

Thus was David, after his tedious exile in France, and having enjoyed his kingly power but for six years, compelled to suffer the bitter penalty of his rashness, and condemned to a long captivity in England. The conduct of the Steward, in preferring the dictates of prudence, perhaps of ambition, to the generous feelings which would have led him to have sacrificed his life in an attempt to rescue the king, cannot be easily exculpated or defended. He and the Earl of March, with the third division of the army which was under their command, made good their retreat; and their escape was ultimately fortunate for the country. But it excited a feeling of lasting personal resentment in the bosom of the king: it was

<sup>1</sup> Knighton, p. 2592.

<sup>2</sup> Rotuli Scot. 21 Ed. III. vol. i. pp. 690, 696.

<sup>3</sup> Rotuli Scotiæ, vol. i. pp. 705, 706.



probably the cause of that determined opposition which he ever afterwards manifested to the Steward ; and it is this natural and unforgiving hostility, embittered by the conviction that he owed his eleven years' captivity to the desertion at Durham, which can alone throw any light upon those extraordinary intrigues for substituting an English prince upon the throne, in which David, at a future period, most weakly permitted himself to be involved. Meanwhile, the consequences of the battle of Durham were brilliant to England, but not lasting or important.

Roxburgh Castle, the key of the kingdom on the Borders, surrendered to Henry Percy and Ralph Neville, and the English overran the districts of Tweeddale, the Merse, Ettrick, Annandale, and Galloway.<sup>1</sup> Availing themselves of the panic and confusion which ensued upon the captivity of the king, they pushed forward into Lothian, and boasted that the marches of the kingdom were from Coldbrandspeth to Soutray, and from thence to Carlops and Crosscryne.<sup>2</sup>

Baliol, who had acted a principal part in these invasions, now believed that the entire subjugation of Scotland, so long delayed, was at length to be accomplished, and the sceptre to be for ever wrested from the line of Bruce. He took up his residence at the castle of Carlaverock, on the shores of the Solway ;<sup>3</sup> and having collected a strong force of the savage freebooters

<sup>1</sup> Winton, vol. ii. p. 265. Scala Chron. quoted in Leland's Collection, vol. i. p. 562.

<sup>2</sup> Fordun a Goodal, vol. ii. p. 346.

<sup>3</sup> Henry Knighton, p. 2592.

of Galloway, was joined by Percy and Neville, with a large body of men-at-arms and mounted archers. At the head of this army he overran the Lothians, scoured the country as far as Glasgow, wasted Cunningham and Niddesdale, and rendered himself universally odious by the ferocity which marked his progress.

At this time, Lionel, Duke of Ulster, the son of Edward the Third, became engaged in a mysterious transaction relative to the affairs in Scotland, upon which, unfortunately, no contemporary documents throw any satisfactory light. By an agreement, entered into between this English prince and the Lords Henry Percy and Ralph Neville, these barons undertook to assist Baliol with a certain force of men-at-arms. Only the name of the treaty remains; but, if a conjecture may be hazarded on so dark a subject, it seems probable that the ambition of Lionel began already to aspire to the crown of Scotland. Baliol was childless; and the English Prince may have proffered him his assistance, under some implied condition that he should adopt him as his successor. We know for certain, that on Baliol being for ever expelled from Scotland, Lionel engaged in the same political intrigue with David the Second.<sup>1</sup> But, al-

<sup>1</sup> Ayloffe's Ancient Charters, p. 299. "*Indentura tractatus inter Leonellum filium Edwardi tertii primogenitum, Comitem de Ulster, ex una parte, et Monsieur Henry Percy et Ranf. Neville, ex altera parte, per quam ipsi Henricus et Radulphus conveniunt se servituros in Scotia pro auxilio prestando Edwardo de Baliol Regi Scotiæ, cum 360 soldariis.*" 12 Ed. III.

though the precise nature of this transaction is not easily discoverable, it soon became apparent that the English king had no serious design of assisting Baliol in his recovery of the crown. At this conjuncture, the nobles who had escaped from Durham conferred the guardianship of the kingdom upon the High Steward;<sup>1</sup> and whatever imputations his conduct at Durham might have cast upon his personal ambition, it is certain that, as the enemy of the insidious designs of England, and the strenuous assertor of the liberty of his country, the grandson of Bruce did not show himself unworthy of his high descent. During a season of unequalled panic and confusion he maintained the authority of the laws. The command of the castles, and the government of the counties, were intrusted to men of tried fidelity; and to procure a breathing time, negotiations were set on foot for a truce.

<sup>1</sup> Fordun a Hearne, p. 1039.

## CHAP. II.

## DAVID THE SECOND.

## CONTEMPORARY PRINCES.

*Kings of England.*  
Edward III.

*Kings of France.*  
Philip of Valois.

*Popes.*  
Clement VI.  
Innocent VI.  
Urban V.

UPON the part of England, the policy of Edward the Third towards Scotland was different from that of his predecessor. There was now no talk of conferring the crown upon Baliol. The persuasion in England seems to have been, that the battle of Durham, and the acquisition of the Border provinces, had decided the fate of Scotland as a conquered country. A conference upon the subject was appointed to be held at Westminster, to which were summoned the prelates and barons of the northern provinces; an English justiciary was appointed for the new kingdom, and the Barons Lucy, Dacre, and Umfraville, were directed to accept the fealty of a people whom, with premature triumph, they believed ready to submit to the yoke of England.<sup>1</sup>

It was at this time, when all looked so dark and

<sup>1</sup> Rotuli Scotiæ, 10th Dec. 20 Ed. III. Ibid. vol. i. p. 684. 21 Ed. III. 14th Feb. 1346. Ibid. vol i. p. 687.

hopeless, that William, Lord Douglas, nephew of the Good Sir James, who had been bred to arms in the wars of France, returned to Scotland. In him the Steward soon found an able assistant. Possessing the high military talents which seemed to have been then hereditary in the family, he soon expelled the English from Douglasdale, took possession of Ettrick Forest, and raising the men of Teviotdale, cleared that district from the invaders.<sup>1</sup>

Whilst such was the course of events in Scotland, the English king endeavoured to strike a panic into the few Scottish barons who remained to defend their country, by the trial of the Earls of Menteith and Fife, made prisoners at the battle of Durham. Both were found guilty of treason, on the ground of their having risen in arms against their liege lord, Edward the Third. Menteith was executed, and his quarters, in the savage spirit of the times, parcelled over the kingdom.<sup>2</sup> The Earl of Fife, after condemnation, had his life spared, from his relationship to Edward the First. These trials were followed by the seizure of all ecclesiastical lands in Scotland belonging to churchmen who were evilly disposed to England, by the resumption into the hands of the crown of all the estates in that country which had been given to English subjects, and by the imposition of additional duties on the commodities exported from Berwick.<sup>3</sup> Edward's object in all this was, in

<sup>1</sup> Winton, vol. ii. pp. 269, 270.

<sup>2</sup> *Rotuli Scot.* vol. i. p. 689. 6th March, 1346-7; Ayloffe, p. 203.

<sup>3</sup> *Ibid.* vol. i. p. 686.

the impoverished state of his exchequer, to collect funds for payment of the army which it was intended to lead against Scotland. But, fortunately for that country, a new war proved, at this conjuncture, highly unpopular amongst the English barons.<sup>1</sup> Their sovereign, notwithstanding all his efforts, was distressed for money, and engrossed with his ambitious schemes in France. The desire of recruiting his coffers, by the high ransom which he knew must be paid for the Scottish king, and the many noble prisoners, taken at Durham, induced him to postpone his projected invasion of Scotland,<sup>2</sup> and to enter into negotiations, which concluded in a truce.<sup>3</sup> This cessation of hostilities continued, by means of successive prolongations, for six years. But the liberty of the king was a matter of more difficult arrangement. After many conferences, which were protracted from year to year, the conditions demanded by Edward were refused by the Scots; and David revisited his dominions only upon his parole, having left seven youths, of the noblest families in Scotland, as hostages for his return.<sup>4</sup>

During his captivity, a dreadful visitant had appeared in his dominions, in the shape of a pestilence, more rapidly destructive than any hitherto known in modern times. This awful scourge had already, for many years, been carrying its ravages through

<sup>1</sup> *Rotuli Scotiæ*, vol. i. p. 687.

<sup>2</sup> *Rymer's Fœdera*, vol. v. pp. 646, 647.

<sup>3</sup> *Rotuli Scotiæ*, 15th April, 21 Edward III. p. 694.

<sup>4</sup> *Rymer*, vol. v. pp. 724, 727.

Europe, and it now at last reached Scotland.<sup>1</sup> It is a remarkable fact, that when the great European pestilence of the seventh century was at its height, the Picts and Scots of Britain were the only nations who did not suffer from its ravages. But the exemption was now at an end; and, owing to whatever causes, the awful calamity fell with as deadly force on Scotland, as on any other part of Europe.<sup>2</sup>

Not long after David's return, a commissioner arrived from Edward, who appears to have been intrusted with a secret and important communication to the King of Scotland and Lord William Douglas.<sup>3</sup> Although, from the very brief and unsatisfactory document which notices this transaction, much mystery hangs over it, yet enough is discoverable to throw a deep shade upon the character of the Scottish king. Worn out by the prospect of a long captivity, rendered doubly bitter by his present taste of the sweets of liberty, he had agreed to sacrifice the independence of his kingdom to his desire of freedom; and there yet remain in the chapter-house at Westminster two instruments, in which David recognises the King of England as his Lord Paramount, and consents to take the oaths of homage.<sup>4</sup>

<sup>1</sup> Fordun a Goodal, vol. ii. p. 347.

<sup>2</sup> M'Pherson's Notes on Winton, vol. ii. p. 512. Fordun a Hearne, p. 1039.

<sup>3</sup> Rymer's Fœdera, vol. v. p. 737.

<sup>4</sup> Ayloff's Calendar of Charters, p. 299.

When the country was thus betrayed by its king, we shall not wonder that the fidelity of some of the nobles began to waver. Many of the inferior barons and prisoners who were taken at the battle of Durham, by this time had paid their ransom and returned to Scotland, where they joined the Steward and his friends in their opposition to Edward. But the prisoners of highest rank and importance were kept in durance, and amongst these the Knight of Liddesdale. This leader, deservedly illustrious by his military talents and success, but cruel, selfish, and ambitious, was a second time seduced from his allegiance, and meanly agreed to purchase his liberty, at the expense of becoming a retainer of Edward. He consented to allow the English, at all times, to pass unmolested through his lands, and neither openly nor secretly to give assistance to his own country, or to any other nation, against the King of England; from whom, in return for this desertion, he received a grant of the territory of Liddesdale, besides other lands in the interior of Annandale.<sup>1</sup> There seems to be strong presumptive ground to conclude, that the secret intercourse, lately carried on with England, related to these base transactions, and that David had expected to procure the consent of his people to his humiliating acknowledgment of fealty to Edward. But the nation would not listen to the proposal for a moment. They longed, indeed, for the presence of

<sup>1</sup> Rymer's *Fœdera*, vol. x. p. 739. *Rotuli Scotiæ*, 18th July, 26 Ed. III. vol. i. p. 753.



their king, and were willing to make every sacrifice for the payment of his ransom ; but they declared, with one voice, that no consideration whatever should induce them to renounce their independence, and David was reluctantly compelled to return to his captivity in Engand.<sup>1</sup>

The Scottish king and the Knight of Liddesdale had expected to find in Lord William Douglas a willing assistant in their secret intrigues and negotiations. But they were disappointed. Douglas proved the steady enemy of England ; and aware of the base game which had been played by Liddesdale, he defeated it by breaking into Galloway at the head of a powerful force, and compelling the wavering barons of that wild and unsettled district to renounce the English alliance, and to swear fealty to the Scottish king.<sup>2</sup> At the same time, Roger Kirkpatrick wrested from the English the important castles of Carlaverock and Dalswinton, and preserved in its allegiance the territory of Niddesdale; whilst the regent of the kingdom, assisted by his son, afterwards king, collected an army, and making his head-quarters in Annandale, where disaffection had chiefly spread, contrived to keep that district in tranquillity. The intrigues of the Knight of Liddesdale were thus entirely defeated. He had hoped to make Annandale the central point from which he was to commence his attack upon the ancient independence

<sup>1</sup> Knighton, p. 2603.

<sup>2</sup> Fordun a Goodal, vol. ii. p. 256.

of Scotland, and to reduce the country under his new master Edward ; but, on his return from captivity, he found his treachery discovered, and his schemes entirely defeated.

Since the death of the Good Sir James, the Douglases had looked to the Knight of Liddesdale as their head, and the chief power of that family had centred in this baron. But the murder of Ramsay, his loose and fierce habits, and the stain thrown upon him by consenting to become the creature of England, all contributed to render him odious to his countrymen, and to raise, in bright opposition to his, the character of William, Earl of Douglas, his near kinsman. This seems to have excited a deadly enmity between them, and other circumstances contributed to increase the feeling. The Earl of Douglas had expelled the English from Liddesdale and Annandale, and was in possession of the large feudal estates of the family. On the other hand, the Knight of Liddesdale, during his treasonable intercourse with England, obtained a grant of Hermitage Castle and the whole of Liddesdale from Edward ; nor was he of a temper to consent tamely to their occupation. These causes, increased, it is said, by a jealousy on the part of the Earl, who suspected his countess of a partiality for his rival, led to a very atrocious murder. As Liddesdale was hunting in Ettrick Forest, he was beset and cruelly slain by his kinsman, at a spot called Galford.<sup>1</sup> The body

<sup>1</sup> Fordun a Hearne, p. 1041.

was carried to Lindin Kirk, a chapel in the Forest, not far from Selkirk, where it lay for some time. It was then transported to Melrose, and buried in that ancient abbey.<sup>1</sup> The deed was a dark and atrocious one, and conveys a melancholy picture of the fierce and lawless state of Scotland; but Liddesdale met with little sympathy. To gratify his own private revenge, he had been guilty of repeated murders, and his late treaty with Edward had cancelled all his former services to his country.

Since the commencement of his captivity, David had now made three unsuccessful attempts to negotiate for his liberty;<sup>2</sup> but many circumstances stood between him and freedom. The English king continued to confer on Baliol, who lived under his protection, the style of King of Scotland, and refused to David his royal titles;<sup>3</sup> and although it was evident that Edward's real intentions were to subdue Scotland for himself, while Baliol was merely employed as a tool to be thrown aside at pleasure, yet so long as his avowed purpose was the restoration of Baliol, there was a consistency in keeping his rival in du-rance. On the other hand, whatever disposition

<sup>1</sup> Hume's Douglas and Angus, vol. i. p. 143. Hume has quoted a single stanza of an old ballad, made on this mournful occasion.

“The Countess of Douglas out of her bower she came,  
And loudly there did she call,  
It is for the Lord of Liddesdale  
That I let the tears down fall.”

<sup>2</sup> In 1348, 1350, and 1353.

<sup>3</sup> Rymer, vol. v. pp. 788. 791.

there might be on the part of the Scots to shut their eyes to the failings of the son of Bruce, his character had sunk in their estimation, and he had deservedly become an object of suspicion and distrust. The brilliant and commanding talents of Edward the Third had acquired a strong influence over his mind ; he had become attached to the country and manners of his enemies, and, in the absence of his queen, had formed a disgraceful connexion with a lady of the name of Mortimer. The return, therefore, of David, was an event rather to be deprecated, than desired, by the country. The Steward, with the barons of his party, dreaded not only the loss of his own personal consequence, and the establishment on the throne of a sovereign whom he knew to be his enemy ; but, what was still more intolerable, they saw in it the establishment of the superiority of England, and the vassalage of their own land. It is to this cause, assuredly, that we are to attribute the coldness and reluctance with which the negotiations proceeded. They were, however, at length concluded at Newcastle, in the month of July, 1354, by a treaty, in which David's ransom was fixed at ninety thousand marks,—an enormous sum for that period ; and it was stipulated, that this money was to be paid in nine years, at the rate of ten thousand marks annually.<sup>1</sup>

The commissioners who conducted the negotiations for this treaty, were, the Bishops of St Andrews and Brechin, along with Patrick Dunbar, Earl of March,

<sup>1</sup> Rymer's *Fœdera*, vol. v. p. 791.

one of the few Scottish earls who had escaped captivity at the battle of Durham; but, previous to its ratification, Eugene de Garencieres, who had already served in the Scottish wars, arrived upon a mission from the court of France, at the head of a select body of sixty knights, and bringing with him a seasonable subsidy of French gold, in the shape of forty thousand moutons d'or, which were distributed by him amongst the Scottish nobles.<sup>1</sup> The treaty of ransom had been especially unpopular with the patriotic party in Scotland, as the sum stipulated was far too heavy a drain upon the country. It had not yet received the consent of the regent, or the final ratification of the states of the realm; and Garencieres found little difficulty in persuading them to give up all thoughts of peace, and to seize the earliest opportunity of recommencing hostilities. For the present, therefore, the King of Scotland, who had seen himself on the point of regaining his liberty, was remanded to the Tower, and an invasion of England resolved on as soon as the truce expired.<sup>2</sup> Yet the English themselves were the first aggressors in a Border inroad, in which they laid waste the extensive possessions of the Earl of March.<sup>3</sup> To revenge the insult, this nobleman, along with the Earl of Douglas, and a large body of men-at-arms, who were reinforced by the French knights and soldiers, under

<sup>1</sup> Winton, vol. ii. p. 271. M'Pherson's Notes, p. 512. Leland's Collect. vol. i. p. 564.

<sup>2</sup> Rotuli Scotiæ, vol. i. p. 779. <sup>3</sup> Fordun a Hearne, p. 1043.

the command of Garenquieres, marched towards the Borders, and occupied a strong pass near Nesbit Moor; where the hilly country, and the tortuous nature of the road, allowed them to form an ambuscade. They then dispatched Sir William Ramsay of Dalwolsy, having four hundred men under his banner, to cross the Tweed, and plunder the village of Norham, and the adjacent country. It was the constant policy of Edward to keep a strong garrison in Norham Castle. Its vicinity to the Borders made it one of the keys to England on the East Marches; it was exposed to perpetual attacks, and, in consequence, became the general rendezvous of the bravest and most stirring spirits in the English service. Ramsay executed his task of destruction with unsparing fidelity; and, in his retreat, took care to drive his booty past under the walls of the castle. The insult, as was expected, brought out the whole English garrison upon them, led by the constable, Sir Thomas Grey, and Sir James Dacre. After a short resistance, Ramsay fled to where the Scottish army lay concealed; and the English pursuing, suddenly found themselves, on turning round the shoulder of a mountain, in presence of the well-known banners of Douglas. Retreat was now impossible, and resistance almost equally fruitless, for Douglas greatly outnumbered the English; but it was the age of chivalry, and the constable of Norham was a true disciple of the order.<sup>1</sup> Forming his little band around him, he

<sup>1</sup> Winton, vol. ii. p. 276.

called for his son, and made him a knight on the field ; he then commanded his men-at-arms to dismount, and fight on foot with the archers ; after which, he, and his brother knights, attacked the Scots with the greatest courage, and performed what, in the language of those times, were denominated, " many fair passes of arms." In the end, however, he was compelled to surrender to Douglas, along with his son, Dacre, and the whole garrison. After the fight, there occurred a fierce trait of feudal vengeance. One of the French knights purchased some of their prisoners from the Scots, and, leading them to a remote spot on the mountain, murdered them in cold blood, declaring that he did this to revenge the death of his father, who had been slain by the English in their wars in France.<sup>1</sup>

The city of Berwick, at this time in the hands of the English, and which had long been the emporium of the commerce of both kingdoms, became the next object of attack. It was too well fortified, however, to hold out the least chance of success to an open assault ; but the Earls of Angus and March having collected a strong naval force, and favoured by a dark November night, ran their ships up the river as far as the tide permitted, where disembarking, they proceeded silently to the foot of the walls ; and, in the first dawn of the morning, stormed the town by escalade, slew the captain, Sir Alexander Ogle,

<sup>1</sup> Fordun a Goodal, vol. ii. p. 350. Fordun a Hearne, pp. 1043, 1044.

with some English knights, and drove before them multitudes of the defenceless citizens, who, on the first alarm, had fled from their beds, and escaped, half naked and in crowds, over the ramparts.<sup>1</sup>

The city, of which the Scots were thus masters, communicated with the castle of Berwick, through a strong fortalice, called the Douglas Tower; and, by a desperate sally from this out-work, Copland, the governor of Northumberland, attempted to wrest their conquest from the Scots; but he was repulsed, and with such gallantry, that the tower itself was carried and garrisoned. Flushed with their success, and enriched with an immense booty, the Scots next attacked the castle; its strength, however, resisted all their efforts; and the regent arriving to inspect his conquest, found that it would be impossible to keep the town, if, as was to be anticipated, the garrison should be supported by an English army. In such circumstances, to have dismantled the fortifications, and abandoned the city, would have been the most politic course; but, unwilling at once to renounce so high a prize, the Steward left in Berwick what troops he could spare, and retired. Little time, indeed, was given for the execution of any plan, for Edward, hearing of the successes of the Scots, hastened from Calais, staid only three days in his capital, and, attended by those veteran and experienced officers who had so well ser-

<sup>1</sup> Fordun & Hearne, pp. 1044, 1045. Scala Chron. in Leland's Coll. p. 565.



ved him in his French wars, laid siege to Berwick at the head of a great army.<sup>1</sup> At the same time, the English fleet entered the river, and the town was strictly invested on all sides. Edward and his guards immediately took possession of the castle; and, while Sir Walter Manny, a name which the siege of Calais has made famous, began a mine below the walls, the king determined to storm the town over the draw-bridge, which was thrown from the castle to the Douglas Tower. Against these formidable preparations, the small force left by the Steward could not possibly contend; and the garrison having capitulated, with safety of life and limb, returned to Scotland, and abandoned the town to the enemy.<sup>2</sup>

That fated country now lay open to an army of eighty thousand men, commanded by the victor of Cressy. The English fleet was ordered, without delay, to sail round the coast, and await him in the Forth; and the king, breathing threats and vengeance against his enemies, and irritated that his career in France was perpetually checked and thwarted by his dangers at home, invaded Scotland, with a determination to destroy and utterly subdue the country.<sup>3</sup> At first every thing seemed to favour his project.

<sup>1</sup> Rymer's *Fœdera*, vol. v. p. 828. Robert of Avesbury, p. 210. Fordun a Hearne, p. 1046.

<sup>2</sup> Lingard, vol. iv. p. 97, says, "Berwick was recovered by the sole terror of his approach." An expression which agrees neither with the account of the English nor Scottish historians. See Robert of Avesbury, p. 228.

<sup>3</sup> Fordun a Goodal, p. 354.

Fatal and virulent dissensions again broke out amongst the Scottish nobles, excited, no doubt, by the terror of confiscation and imprisonment, to which an unsuccessful resistance to England necessarily subjected them ; and in addition to this, a very extraordinary event, which seemed ominous of success, occurred upon the arrival of Edward and his army at Roxburgh. It had undoubtedly been long in preparation ; and one branch of those secret negotiations which led to it, is probably to be seen in the mysterious treaty, already noticed, between Prince Lionel and Henry Percy, for the assistance of Edward Baliol. That weak and unfortunate person now presented himself before Edward ; and, with all the feudal ceremonies becoming so solemn a transaction, for ever resigned his kingdom of Scotland into the hands of the English king, divesting himself of his regalia, and laying his golden crown at the feet of the monarch.<sup>1</sup> His declared motives for this pusillanimous conduct are enumerated in the various deeds and instruments which passed upon the occasion ; but the real causes of the transaction are not difficult to be discovered. It needed little penetration to discern, that the retention of the royal name and title by Baliol stood in the way of the pacification of Scotland, and the negotiations for the ransom of the King, and

<sup>1</sup> The English historian Knighton asserts that Baliol delivered all right which he possessed in the crown of Scotland to Lionel, the King's son. Knighton, p. 2611, Rymer, vol. v. pp. 832, 843, inclusive.

gave to the regent and the barons of his party, a power of working upon the popular feelings of the nation ; while the total resignation of the kingdom into the hands of Edward, afforded this Prince the appearance of justice in his present war, and, in case of failure, a fairer prospect of concluding a peace. Baliol himself was a mere dependent of Edward's. For the last sixteen years he had been supported by the money, and had lived under the protection, of England.<sup>1</sup> He was now an old man ; and he could not entertain the slightest hope of subduing the country, which he still affected to consider as his own. In return for this surrender of his crown, Edward now agreed to settle upon him an annuity of two thousand pounds ; and, when commanded to strip himself of his unsubstantial honours, he at once obeyed his master, and sunk into the rank of a private baron. During one part of his life, when he fought at Dupplin, and took part with the disinherited barons, he had shown a considerable talent for war ; but this last base act proved that he was unworthy of the throne, from which he had almost expelled the descendants of Bruce. He died, not many years after this event, in obscurity, and, fortunately for Scotland, without children.

Meanwhile Edward, who had thus procured the donation of the kingdom from Baliol, and extorted the acknowledgment of homage from David, per-

<sup>1</sup> Rotuli Scotiæ, vol. i. pp. 544, 546.

suading himself that he had a just quarrel, hastened his warlike preparations, and determined to invade the country with a force, against which all resistance would be unavailing. The present leaders of the Scots had not forgotten the lessons taught them by the rashness of David ; and they wisely resolved to meet this invasion in the manner pointed out by the wisdom of Wallace, and the dying directions of Bruce. Orders were immediately issued for the inhabitants to drive away their flocks and herds, and to convey all their valuables and property beyond the Firth of Forth, into the castles, caverns, and strongholds frequently used for such purposes ; to destroy and burn the hay and forage which was not readily transportable ; and to retire themselves, fully armed and equipped, and ready for immediate action, into the various well-known fastnesses, wooded glens, and mountain passes, from which they could watch the operations of the invading army.<sup>1</sup> It was indispensable, however, to procure time to carry these measures into execution ; and, for this purpose, the Earl of Douglas sought the army of Edward, which he found on its march from Roxburgh, and making a splendid appearance. It was led by the king in person. Before him, floating amid other banners and pennons, was borne the royal standard of Scotland.<sup>2</sup> The king's sons, John and Lionel, Dukes of Richmond and Ulster, accompanied their father ; and, on the arrival of Douglas, when the army halted and

<sup>1</sup> Robert de Avesbury, p. 236.

<sup>2</sup> Ibid, p. 236.

encamped, it covered an extent of twenty leagues.<sup>1</sup> Douglas fortunately succeeded in procuring a ten days' truce ; during which time he pretended to communicate with the Scottish regent and nobles, and amused Edward with the hopes, that his title to the Scottish throne would be universally recognised. The messages, however, which passed between Douglas and his friends related to designs the very opposite of submission ; and, when the truce was almost expired, the Scottish earl, who had completely gained his object, withdrew, and joined his countrymen.

Enraged at being the dupe of so able a negotiator, Edward, in extreme fury, advanced through Berwickshire into Lothian, and, with a cruel and short-sighted policy, gave orders for the total devastation of the country.<sup>2</sup> Every town, village, or hamlet, which lay within the reach of his soldiers, was given to the flames ; and the march of this Prince, who has commonly been reputed the very model of a generous and chivalrous conqueror, was to be traced by the thick clouds of smoke which hung over his army, and the black desert which he left behind him. In this indiscriminate vengeance, even the churches and religious houses were sacrilegiously plundered and cast down. A noble abbey-church at Haddington, whose quire, lighted by the long-shaped lantern windows, of graceful and elegant proportion, went by the name of the Lamp of the Lothians, was entirely de-

<sup>1</sup> Robert of Avesbury, p. 236. Leland's Coll. vol. i. p. 566.

<sup>2</sup> " Velut ursæ raptis fœtibus in saltu cœviens." Fordun a Hearne, p. 1047.

stroyed; and the adjoining monastery of the Minorites, with the town itself, rased to the ground.<sup>1</sup>

The severity which Edward had exercised upon his march began now to recoil upon himself; no forage was to be had for the horses; and the moment a foraging party attempted to leave the main army, it was cut off by the Scots, who rushed from their concealment in the glens and woods, and gave no quarter. It was now the month of January, and the winter storms increased the distress of the troops. Bread began to fail; for fifteen days the soldiers had drunk nothing but water;<sup>2</sup> and, instead of being able to supply their wants by plunder, the English found nothing but empty stalls and deserted houses; not a hoof was to be seen, so well had the orders of Douglas been obeyed. It may be imagined how dreadfully these privations were felt by an army which included three thousand picked cavalry, splendidly armed, both man and horse, besides ten thousand light-armed horse.<sup>3</sup> The king, who saw famine and retreat approaching, now looked impatiently for his fleet. It was known that it had sailed from Ber-

<sup>1</sup> Fordun a Hearne, p. 1048. Fordun a Goodal, vol. ii. p. 354.

<sup>2</sup> Knighton, pp. 2611.

<sup>3</sup> According to Robert of Avesbury, p. 235, 236, the numbers of Edward's army were as follows:

3,000 *homines armati*, or men-at-arms, that is, fully armed  
in steel, both man and horse,

10,000 light-armed horse,

10,000 mounted archers,

10,000 infantry,

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33,000.

The Scottish historians make the numbers eighty thousand.

wick, but no farther intelligence had arrived; and after an anxious halt of ten days at Haddington, Edward pushed on to Edinburgh, with the hope of meeting his victualling ships at Leith. Instead, however, of the long expected supplies, certain news arrived that the whole of the English fleet, in its attempt to make the Firth, had been dispersed and destroyed;<sup>1</sup> so that it was judged absolutely necessary to retreat as speedily as possible, in order to save the army from absolute starvation. This order for retreat became, as was to be expected, the signal for discipline to cease, and disorder to begin. Every wood or mountain-pass swarmed with Scottish soldiers, who harassed the rear with perpetual attacks; and, in passing through the Forest of Melrose, the king himself was nearly taken or slain in an ambuscade which had been laid for him.<sup>2</sup> He at length, however, reached Carlisle in safety, dismissed his barons, and returned to his capital; from which he issued a pompous proclamation, declaring it to be his kingly will to preserve, untouched and inviolate, the ancient laws of Scotland; a singular declaration with regard to a country in which he could scarcely call a single foot of ground his own.<sup>3</sup> So cruel in its execution, and so inglorious in its result, was an expedition, in which Edward, at the head of an army infinitely greater than that which fought at Cressy, had, for the fifth time, invaded Scotland, declaring it to be

<sup>1</sup> Fordun & Hearne, p. 1048. Robert of Avesbury, p. 237.

<sup>2</sup> Knighton, p. 2611. Fordun & Hearne, p. 1048.

<sup>3</sup> Rotuli Scotiæ, p. 790.

his determined resolution to reduce it for ever under his dominion. The expedition of Edward, from the wasting of the country by fire, was long afterwards remembered by the name of the "Burnt Candlemas."

So long as Scotland remained unconquered, it was evident that the English monarch must be content to have his ambitious efforts against France perpetually crippled and impeded. He felt, accordingly, the paramount importance of concluding the war in that country; and seems to have imagined, that, by an overwhelming invasion, he could at once effect this object, and be enabled to concentrate his whole force against Philip. But the result convinced him that the Scots were farther than ever from being subdued, and that policy and intrigue were at the present conjuncture more likely to be successful. He willingly, therefore, consented to a truce, and resumed the negotiations for the ransom of the king, and the conclusion of a lasting peace between the two countries.<sup>1</sup>

The Earl of Douglas, to whose exertions the success of the last campaign was mainly to be ascribed, seems to have been one of those restless and ardent spirits who languish unless in actual service; and, accordingly, instead of employing the breathing time which was afforded him, in healing the wounds, and recruiting the exhausted strength of his country, he concluded a Border truce with the English warden,<sup>2</sup> and, accompanied by a numerous body of knights and squires, passed over to France, and fought in the me-

<sup>1</sup> Rotuli Scotiæ, p. 791.

<sup>2</sup> Rymer, vol. v. p. 809.



morable battle of Poitiers. Douglas was received with high honour, and knighted on the field by the King of France. Amid the carnage of that dreadful day, he had the good fortune to escape death or captivity; and, cooled in his passion for foreign distinction, to return to Scotland,<sup>1</sup> where he resumed, along with the regent and the rest of the nobility, his more useful labours for his country.

Hitherto the negotiations for the ransom and delivery of David had been entirely abortive. They were now renewed, and proved successful. After some preliminary conferences at London, between the council of the King of England and the Scottish Commissioners, the final settlement of the treaty was appointed to take place at Berwick-upon-Tweed.<sup>2</sup> In the meantime, a solemn Parliament was held by the Steward, as governor of Scotland, at Edinburgh, on the 26th of September. Its constitution and proceedings, as shown in authentic instruments, preserved in the *Fœdera*, are exceedingly important. It appears that, before meeting in Parliament, the prelates of Scotland assembled their chapters, and ap-

<sup>1</sup> Fordun & Hearne, p. 1052.

<sup>2</sup> Rymer, vol. v. p. 831. These conferences for the ransom and liberation of David extend through a period of ten years. They began in January 1347-8, and were resumed almost every year without success till the final treaty in 1357. There are only three treaties noticed by our historians; but the reader, by referring to the following pages of the *Rotuli Scotiæ*, vol. i. will find all the attempts at negotiation minutely described in the original instruments: pp. 709, 721, 722, 727, 740, 741, 745, 759, 766, 768, 773, 791, and 809, 811.

pointed delegates to represent them in Parliament, with full powers to deliberate upon the ransom of the king, and to bind them as fully as if they themselves had attended.<sup>1</sup> Afterwards, however, it was judged more expedient that the prelates should attend in person ; and, accordingly, we find that, on the 26th of September, the whole bishops of Scotland assembled in parliament at Edinburgh, and there met the other two Estates,—the lords and barons of the realm, and the representatives of the royal burghs. Each of the Estates then proceeded to elect certain members of their own body as their commissioners, to appear at Berwick, and deliberate, with the delegates of the King of England, upon the ransom and liberation of their sovereign. For this purpose, the clergy chose the Bishops of St Andrews, Caithness, and Brechin.<sup>2</sup> To these ecclesiastical delegates were added the Earls of March, Angus, and Sutherland, Sir Thomas de Moravia, Sir William Levingston, and Sir Robert Erskine, appointed by the regent and the barons ; and, lastly, the seventeen royal burghs chose eleven delegates of their own number, and intrusted them with the most ample powers.<sup>3</sup> Such elections having taken place, the commissioners of both countries repaired to Berwick-upon-Tweed, on the day appointed, with great state and solemnity. Upon the part of England, there came the Primate of England, with the Bishops of Durham and Carlisle, and the

<sup>1</sup> Rymer's *Fœdera*, vol. vi. p. 39, 40.

<sup>2</sup> *Ibid.* vol. vi. p. 43.

<sup>3</sup> *Ibid.* vol. vi. pp. 44, 45.

Lords Percy, Neville, Scrope, and Musgrave. The Scottish delegates brought with them a splendid suite of attendants. The train of the Bishop of St Andrews alone consisted of thirty knights, with their squires; the cortege of the other bishops and barons was scarcely less splendid;<sup>1</sup> and the arrival of the captive monarch himself, escorted by the whole military array of Northumberland, gave additional solemnity to the scene of negotiation.<sup>2</sup>

The result of these conferences at Berwick was, the restoration of David to his kingdom, after a captivity of eleven years. The ransom finally agreed on was a hundred thousand pounds, equivalent to the sum of twelve hundred thousand pounds of modern money, to be paid by annual instalments of four thousand pounds; and, in security of this payment, twenty Scottish youths, heirs of the first families in the country, were delivered as hostages into the hands of the English monarch.<sup>3</sup> It was stipulated besides, that, from the principal nobles of the kingdom, three should resort by turns to England, there to remain until the whole ransom was paid; and, in the event of failure in the payment at any of the terms, the King of Scotland became bound to return to his captivity. It was also declared, that, until payment of

<sup>1</sup> Rymer's *Fœdera*, vol. vi. pp. 32, 33.

<sup>2</sup> *Rotuli Scotiæ*, vol. i. p. 810.

<sup>3</sup> Rymer, vol. vi. pp. 47, 48. The sum of the ransom originally agreed on was 100,000 merks. *Rotuli Scotiæ*, vol. i. p. 812; but this was altered by subsequent treaties. M'Pherson's *Notes to Winton*, vol. ii. p. 512.

the ransom, there should be a ten years' truce between the kingdoms, during which, free and unfettered commercial intercourse by land and by sea was to take place between both countries ; no hostile attempt of any nature was to be made against the possessions of either ; and no subject of the one to be received into the allegiance of the other ; a condition which Edward, when it suited his own interests, made no scruple of infringing.<sup>1</sup> The stipulations of this famous treaty were uncommonly favourable to England, and reflect little credit on the diplomatic talents of the Scottish commissioners. The ransom agreed on was oppressively high ; and it fell upon the country at a period when it was in a very low and exhausted condition.

But the ransom was not the only drain on the resources of the country. The numerous unsuccessful attempts at negotiation which preceded this final settlement, had occasioned many journeys of the Scottish nobility to England, and such expeditions brought along with them a heavy expenditure. Besides this, the ransom of the Scottish prisoners, taken in the battle of Durham ; their support, and that of the king their master, for many years in England ;

<sup>1</sup> *Rotuli Scotiæ*, 3d March, 1362-3. 37 Ed. III. vol. i. p. 871. Bower, in his additions to Fordun, has asserted, that David agreed to dismantle certain castles in Niddesdale, which greatly annoyed the English ; and that, on his return to his dominions, he accordingly destroyed the castles of Dalswynton, Dumfries, Morton, and Dundeer, with nine others. No such stipulation is to be found in the treaty, (Rymer, vol. vi. p. 46,) and Fordun himself makes no mention of it.

with the expense occasioned by the residence of three great nobles, and twenty young men of the first rank, for so long a time in another country, necessarily occasioned an excessive drain of specie from Scotland. The possession, too, of the hostages by England tended greatly to cripple the power, and neutralise the independent efforts of her ancient enemy; and the frequent intercourse between the nobles of the poorer and richer country, gave Edward opportunities of intrigue, which he by no means neglected. Meanwhile, the representatives of the nobility, the bishops, and the burghs of Scotland, ratified the treaty;<sup>1</sup> and David, released from captivity, returned to Scotland, to receive the enthusiastic welcome of his people. But it was soon discovered, that the character and manners of the king had been deteriorated by his residence in England. His first public act was to summon a Parliament, to meet at Scone, regarding which there is a little anecdote preserved by a contemporary historian, which throws a strong light upon his harsh and fickle disposition. In the progress to the hall where the Estates were to meet, crowds of his people, who had not beheld their king for eleven years, pressed upon him, with rude, but flattering ardour. The monarch, whose march was thus affectionately interrupted, became incensed, instead of being gratified, and, wresting a mace from one of his attendants, threatened to beat to the ground any who dared to annoy him. A churl-

<sup>1</sup> Rymer, vol. vi. pp. 52 to 65, inclusive.

ish action, which shows how little cordiality could subsist between such a prince and his subjects, and prepares us for the unhappy transactions that afterwards made so deadly a breach between him and his people.<sup>1</sup>

The proceedings of the parliament itself may be imperfectly gathered from a fragment which has been preserved to us ; but the record of the names of the clergy, nobility, and other members who were present, which might have thrown some light upon the state of parties at the return of the king, is unfortunately lost. The enormous sum of the ransom, and the mode in which the annual instalment should be collected, appears to have been the first subject which occupied the attention of the great council. The provisions upon this are important, as illustrating the state of commerce in the country. It was resolved, that the whole wool and wool-fels of the kingdom should be given to the king, at the rate of four merks for the sack of wool, and the same sum for every parcel of two hundred fleeces ; and, it is probable, that the king afterwards exported these sacks and fleeces, at a high profit, to foreign parts, or disposed of them to foreign merchants who resorted to Scotland.<sup>2</sup> In the next place, a minute and accurate account of the rents and produce of the whole lands of the realm, and a list of the names of the proprietors, was appointed to be taken by certain sworn commissioners

<sup>1</sup> Winton, vol. ii. p. 283.

<sup>2</sup> Robertson's Parliament. Record, pp. 96, 97. Knighton, p. 2570.

appointed for the purpose. From this account were specially excepted all white sheep, domestic horses, oxen, and household furniture ; but, so minute was the scrutiny, that the names of all mechanics, tradesmen, and artificers, were directed to be taken, with the declared purpose of ascertaining what tax would be proper to be paid on the real value of their property, and what sum each person, of his own free will, would be ready to contribute towards the ransom of the king. Proclamation was directed to be made throughout the kingdom, that, during the term within which such an account was to be taken, no one should sell or export any sheep or lambs. Officers were to be stationed on the marches to prevent such an occurrence, every hoof or fleece which was carried off was to be seized and forfeited to the king ; while the sheriffs of the respective counties, and the barons and gentry, were directed to use their utmost endeavour, that none should dare to refuse such taxation, or fraudulently attempt to escape, by transferring themselves from one part of the country to another. If any of the sheriffs, tax-gatherers, or their officers, were found guilty of any fraud, or unfaithful conduct ; or, if any individuals were discovered concealing their property ; all such delinquents were ordered to stand their trial at the next Justice Ayre ; which, it was appointed, should be held by the king in person, that the royal presence might ensure a more solemn distribution of justice, and strike terror into offenders. A provision was next made, that in each county there should be good and

sufficient sheriffs, coroners, bailies, and inferior officers ; it was ordered, that all lands, rents, or customs, belonging originally to the king, should be resumed, to whatever persons they might have been granted, in order that the whole royal lands should continue untouched ; and that the kingdom, already burdened by the king's ransom, might be freed from any additional tax for the maintenance of the throne. The king was required to renew that part of his coronation oath, by which he had solemnly promised, that he should not alienate the crown-lands, or dispose, without mature advice, of any rents, wards, or escheats appertaining to the crown, and there was a prohibition against exporting the sterling money out of the realm, by any person whatever, unless upon the payment to the crown of half a merk for each pound.<sup>1</sup>

During the captivity of the sovereign, it appears that they who, at various times, were at the head of affairs, had either appropriated to themselves, or made donations to their vassals and dependents, of various portions of the crown-lands ; and it was, therefore, enacted, that all those who had thus rashly and presumptuously entered into possession of any lands or wardships belonging to the crown, should, under pain of imprisonment, be compelled to restore them into the hands of the king. The next article in the resolutions of this Parliament is extremely obscure. It was resolved, " that all the lands, possessions, and goods

<sup>1</sup> Robertson's Parliamentary Record, pp. 96, 97.



of the homicides, after the battle of Durham, who have not yet bound themselves to obey the law of the land, should be seized in the hands of the king, until they come under sufficient security to obey the law; and that all pardons or remissions granted to persons of this description, by the governors of the kingdom, during the absence of the king, should not be ratified, unless at the pleasure of our lord the king." And it was also provided that, if any person, after the captivity of the sovereign, had resigned into the hands of the regent any tenement, which he held of the crown in capitè, which property had been bestowed upon another, who had alienated it in whole, or in part, without the royal permission, all such tenements should again be seized in the hands of the king.

The names of the nobles and barons who sat in this Parliament being lost, we can only conjecture, that some individuals had absented themselves, from the idea, that the riots and disturbances which they had excited during the captivity of the king, would be visited with punishment. It is stated in the *Scala Chronicle*, that soon after the conflict at Durham, the private feuds amongst the nobility were carried to a grievous height, and that the kingdom was torn by homicides, rapine, and private war, for which Fordun does not hesitate indirectly to criminate the Steward.<sup>1</sup> It is certain, at least, from the

<sup>1</sup> Fordun & Hearne, p. 1039. Leland's Coll. vol. i. p. 562.

record of this Parliament, that the remissions or pardons granted to these homicides by the Steward, and those in office under him, were recalled ; and that the king resented his conduct, in interfering with the royal prerogative, and bestowing lands, held of the crown in capite, upon his own creatures and dependants.

For the present, however, there was the appearance of great tranquillity. The treaty which had settled the ransom received the approbation of the parliament, and Edward not only gave orders for its strict fulfilment, but sought by every method to ingratiate himself with the prelates and the nobility of Scotland. His object in all this became soon apparent. Aware, from repeated experience, of the difficulty of reducing this country by open force, a deeper and more dangerous policy was adopted. He had already gained an extraordinary influence over the weak character of the king, and had secretly prevailed upon him to acknowledge the feudal superiority of England. David being without children, there existed a jealousy between him and the Steward, who had been nominated next heir to the crown ; and we may date from this period, the rise of a dark faction, to which the Scottish king meanly lent himself as a party, and the daring object of which was to intrude a son of Edward the Third into the Scottish throne. For some time, however, this conspiracy against the independence of the nation was carefully concealed, so that it is difficult to discover the secret details or the principal agents ; but from the frequent journeys of some of the Scottish prelates and barons to the court of

England, from the secret and mysterious instructions under which they acted, and the readiness with which they were welcomed,<sup>1</sup> there arises a strong presumption that this monarch had gained them over to his interest. The Earl of Angus, one of David's hostages, had private meetings with the King of England, and was dispatched to Scotland that he might confer with his own sovereign upon matters which shun the light, and do not appear as usual in the instruments and passports.<sup>2</sup> Within a short period the Scottish queen, a sister of Edward, made two visits to London, for the purpose of treating with her brother on certain secret matters which are not specified in her safe conduct. The King of Scotland next sought the English court in his own person, and after his return, the Bishop of St Andrews, the Earl of March, along with the Earl of Douglas, Sir Robert Erskine, and Sir William Livingstone, were repeatedly employed in these mysterious missions, which at this period took place between the two monarchs.<sup>3</sup> These barons generally travelled with a numerous suite of knights or squires;<sup>4</sup> and while their masters were engaged in negotiation, the young knights enjoyed their residence at a court then the most chivalrous in

<sup>1</sup> Rotul. Scot. vol. i. pp. 814, 815, 31 Ed. III. m. 4.

<sup>2</sup> Ibid. 31 Ed. III. m. 2, 25 Dec. 1357, vol. i. p. 818.

<sup>3</sup> Ibid. 32 Ed. III. pp. 819, 821, 822.

<sup>4</sup> Ibid. 32 Ed. III. p. 821. Willelmus de Levingeston. "Cum octo Equitibus de Comitiva sua." Sir Robert Erskine, with the same number, p. 822. The Earl of March travels to England, "Cum viginti Equitibus et eorum gacionibus."

Europe, and were welcome guests in the fetes and amusements which occupied its warlike leisure. Large sums of money were required for such embassies, and the probability is, that they were chiefly defrayed by the English monarch, who looked for a return in the feelings of gratitude and obligation, which he thus hoped to create in the breasts of the Scottish nobility. Nor were other methods of conciliation neglected by this politic prince. He encouraged the merchants of Scotland to trade with England by grants of protection and immunity, which form a striking contrast to the spirit of jealousy and exclusion with which they had lately been treated.<sup>1</sup>

From the moment of David's return, a complete change took place in the commercial policy of England, and the Scottish merchants were welcomed with a liberality, which, could we forget its object, was as generous as it was beneficial to both countries. At the same time, the youth of Scotland were induced to frequent the universities of Oxford and Cambridge, by the ready kindness with which the king gave them letters of protection ;<sup>2</sup> and the religious, who wished to make pilgrimages to the most celebrated shrines in England, found none of those impediments to their pious expeditions which had lately existed. At this moment, when designs existed against the independence of Scotland, so dangerous in their nature, and so

<sup>1</sup> *Fœdera*, new ed. vol. ii. part i. p. 188. *Rotuli Scotiæ*, vol. i. 32 Ed. III. pp. 822, 823.

<sup>2</sup> *Rotuli Scotiæ*, 32 Ed. III. vol. i. pp. 822. 825. 828.

artfully pursued, it was peculiarly unfortunate that a spirit of military adventure carried many of the bravest Scottish barons to the continental wars. Sir Thomas Bisset, and Sir Walter Moigne, with Norman and Walter Leslie, previous to David's return, had left the country on an expedition to Prussia,<sup>1</sup> in all probability to join the Teutonic knights, who were engaged in a species of crusade against the infidel Prussians.<sup>2</sup> Not long after, Sir William Keith, Marshal of Scotland, Sir William Sinclair Lord of Roslin, Sir Alexander de Lindesay, Sir Robert Gifford, and Sir Alexander Montgomery, each with a noble train of sixty horse, and a strong body of foot soldiers, passed through England to the continent, eager for distinction in foreign wars, with which they had no concern, and foolishly deserting their country when it most required their services.<sup>3</sup> Yet this conduct was more pardonable than that of the Earl of Mar, who entered into the service of England, and with a retinue of twenty four knights and their squires passed over to France in company with the English monarch and his army.<sup>4</sup> The example was infectious; and the love of enterprise, the renown of fighting under so illustrious a leader, and the hopes of plunder, induced other Scottish soldiers to imitate his example. Edward, therefore, whose attempts to conquer Scotland by force of arms had utterly failed, seemed now

<sup>1</sup> Rymer, vol. v. p. 866.

<sup>2</sup> Barnes, Edward III. p. 669.

<sup>3</sup> *Rotuli Scotie*, vol. i. 32 Ed. III. p. 830.

<sup>4</sup> *Ibid.* 33 Ed. III. p. 842. Rymer, vol. vi. p. 119.

to have fallen upon a more fatal and successful mode of attack. Many of the barons were secretly in his interest ; some had actually embraced his service ; the king himself was wholly at his devotion ; the constant intercourse which he had encouraged, had softened, as he hoped, and diluted, the bitterness of national animosity ; and the possession of his twenty hostages had tied up the hands of the principal barons of the land, who, in other circumstances, would have been at liberty to have acted strenuously against him. Nothing now remained but to develope the great plan which all this artful preparation was intended to foster and facilitate ; but for this, matters were not yet considered far enough advanced.

Meanwhile, David anxiously adopted every method to collect the sums necessary for his ransom ; nor shall we wonder at his activity, when we remember that his liberty or his return to the Tower depended on his success. He had already paid the first ten thousand merks ;<sup>1</sup> and the Pope, at his earnest request, consented that for the term of three years he should levy a tenth of all the ecclesiastical benefices in Scotland, under the express condition that the Scottish clergy were, after this, to be exempted from all further contribution. Yet this stipulated immunity was soon forgotten or disregarded by the king ; and in addition to the tenth, the lands and temporalities of all ecclesiastics in Scotland, whether they held of the king or of subjects superior, were compelled to con-

<sup>1</sup> Rotuli Scot. 32 Ed. III. p. 827. 23d June, 1358.

tribute in the same proportion as the barons and free tenants of the crown; a measure violently opposed by the church, and which must have lost to the king much of his popularity with this important body.<sup>1</sup> The period for the payment of the second instalment of the ransom-money to England now rapidly approached. In Scotland, the difficulty of raising money, owing to the exhausted and disorganized state of the kingdom, was excessive; and the king in despair, and compelled by the influence of the party of the Steward, which supported the independence of the country, forgot for a moment the intimate relations which now bound him to Edward, and opened a negotiation with the regent of France, in which he agreed to renew the war with England, provided that prince and his kingdom would assist him with the money which he now imperiously required.<sup>2</sup> To these demands the French plenipotentiaries replied,<sup>3</sup> that in the present conjunction of affairs, when France was exhausted with war, and her king and many of her highest nobility in captivity, it was impossible for her to assist her ancient ally so speedily or so effectually as she desired. They agreed, however, to contribute the sum of fifty thousand merks<sup>4</sup> towards defraying the ransom, under the condition that the Scots should

<sup>1</sup> Fordun & Hearne, p. 1054.

<sup>2</sup> Rymer, vol. vi. p. 178.

<sup>3</sup> *Traitez Entre les Roys de France et les Roys D'Ecosse*, MS. in Ad. Library, A. 3. 9.

<sup>4</sup> "Cinquante mil marcs d'Esterlins, ou la vailleur en or si comme il vault en Angleterre."

renew the war with England, and that there should be a solemn ratification of the former treaty of alliance between France and Scotland. These stipulations upon the part of the French were never fulfilled. An army of a hundred thousand men, led by Edward in person, passed over to Calais a few months after the negotiation,<sup>1</sup> and France saw in the ranks of her invaders many of the Scottish barons, who had become the servile tools of England. Amongst those whom the English king had seduced, was Thomas Earl of Angus, one of the hostages for David, a daring adventurer, who had commissioned from the Flemings four ships of war, with which he promised to meet Edward at Calais. But on procuring his liberty, Angus forgot his engagement, and remaining in Scotland, acted a principal part in the commotions which then distracted the country.<sup>2</sup> Sir Thomas Bisset, Sir William of Tours, and Sir John Borondon, and probably many other Scottish knights, accompanied Edward.<sup>3</sup> In France, however, they had little opportunity of signalizing themselves; and after an inglorious campaign, wherein the English monarch was obliged successively to raise the sieges of Rheims and Paris, hostilities were concluded by the celebrated treaty of Bretigny, in which the two belligerent powers consented to a mutual sacrifice of allies. The French, naturally irritated, agreed to renounce all al-

<sup>1</sup> *Rotuli Scotiæ*, 34 Ed. III. m. 4, pp. 840, 847.

<sup>2</sup> *Fordun a Goodal*, vol. ii. p. 365.

<sup>3</sup> *Rotuli Scotiæ*, p. 840.



liances which they had already formed with Scotland, and solemnly engaged, for the time to come, to enter into no treaties with that nation against the realm of England; and England, on her part, was equally accommodating in her renunciation of her Flemish allies.<sup>1</sup> Such conduct upon the part of the French Regent must have been highly mortifying to the Steward and his friends, who considered the continuance of a war with England as the only certain pledge for the preservation of the national liberty. On the other hand, the confederacy, which had been gradually gaining ground in favour of England, and now included amongst its supporters the Scottish king himself and many of his nobles, could not fail to be gratified by a result which rendered a complete reconciliation with Edward more likely to occur, and thus paved the way for the nearer developement of their secret designs, by which the Steward was ultimately to be ejected from the throne.

Whilst such was the course of events in France, Scotland at home presented a scene of complicated distress and suffering. A dreadful inundation laid the whole of the rich country of Lothian under water. The clouds poured down torrents such as had never before been seen by the oldest inhabitants; and the rivers, breaking over their banks with irresistible violence, destroyed ramparts and bridges, tore up the strongest oaks and forest trees by the roots, and carried houses and barns, stacks and implements of hus-

<sup>1</sup> Rymer Fœdera, vol. vi. p. 192. Art. 31, 32, 33.

bandry in one undistinguished mass to the sea shore. The lighter wooden habitations of the working classes were swept from their foundations, and the castles, churches, and monasteries entirely surrounded by water.<sup>1</sup> At length, it is said, a nun, terror-struck by the anger of the elements, snatched a small image of the Virgin from a shrine in the church of her monastery, and threatened aloud to cast her into the stream, unless she instantly averted the impending calamity. The flood had already touched the threshold of the building, when it was suddenly checked by this authoritative denunciation; and Bower does not scruple to assure us, that from that moment the obedient waters returned within their accustomed boundaries.<sup>2</sup>

Not long after this inundation, the country was visited by another dreadful guest. The great pestilence which had carried away such multitudes in 1349,<sup>3</sup> again broke out in Scotland, with symptoms of equal virulence and fatality. In one respect the present was different from the former pestilence. That of 1349 had fallen with most severity upon the poorer classes, but in this the rich and noble in the land, equally with the meanest labourers, were seized by the disease, and in most instances fell victims to its ravages. The deaths at last became so numerous, and the crowds of the dead and the dying so appalling,

<sup>1</sup> Fordun & Hearne, p. 1053.

<sup>2</sup> Fordun & Goodal, vol. ii. p. 362.

<sup>3</sup> Winton, b. 8. c. 45, vol. ii. p. 292.

that David with his court retreated to the north, and at Kinross in Moray, sought a purer air and less lugubrious exhibitions.<sup>1</sup>

On his return, a domestic tragedy of a very shocking nature awaited him. His favourite mistress, Catherine Mortimer, whom he had loved during his captivity, had afterwards accompanied him into Scotland, and from some causes not now discoverable, became an object of jealousy and hatred to the Earl of Angus and others of the Scottish nobles. At their instigation, two villains, named Hulle and Dewar, undertook to murder her, and having sought her residence under a pretence that they came from the king with instructions to bring her to court, prevailed upon the unsuspecting victim to intrust herself to their guidance. They travelled on horseback, and on the desolate moor between Melrose and Soutra, where her cries could bring none to her assistance, Hulle stabbed her with his dagger and dispatched her in an instant.<sup>2</sup> David instantly imprisoned the Earl of Angus in Dumbarton Castle, where he fell a victim to the plague, and commanded his unfortunate favourite to be buried with all honour in the abbey of Newbattle.

Towards the conclusion of the year which was marked by this base murder, a secret negotiation, regarding the subject of which the public records give us no certain information, took place between Edward

<sup>1</sup> Fordun a Goodal, p. 365.

<sup>2</sup> Leland, Collect. vol. i. p. 578. Fordun a Goodal, vol. ii. p. 365.

and the Scottish king. The Bishops of St Andrews and Brechin, with the Arch-deacon of Lothian, the Earls of March and Douglas, Sir Robert Erskine, and Sir John Preston, repaired, with a splendid and numerous retinue, to the English court, but the object of their mission is studiously concealed. It is, indeed, exceedingly difficult to understand or to unravel the complicated intrigues and the various factions, which divided the country at this period. The king himself was wholly in the interest and under the government of Edward. The Steward, on the other hand, to whom the people affectionately looked as his successor, and whose title to the throne had been recognised by a solemn act of the three Estates of the Kingdom, was at the head of the party which opposed the designs of England, and strenuously defended the independence of the country. Many of the nobles, seduced by the example of their sovereign, and by the wealth of England, deserted to Edward. Many others, indignant at such treachery, leagued themselves in the strictest ties with the Steward, and between these two parties there existed, we may believe, the most deadly animosity. But we may, I think, trace in the records of the times—for our ancient historians give us no light on the subject—another and more moderate party, to whom Edward and David did not discover their ultimate intentions for the total destruction of the independence of Scotland as a separate kingdom, but who hailed with joy, and encouraged with patriotic eagerness, those pacific measures which were employed to pave the way for their

darker designs. Nor is it difficult to understand the feelings which gave rise to such a party. A war of almost unexampled length and animosity had weakened and desolated the country. Every branch of national prosperity had been withered or destroyed by its endurance ; and it is easy to conceive how welcome must have been the breathing time of peace, and how grateful those measures of free trade and unfettered intercourse between the two countries, which Edward adopted, from the moment of David's liberation till the period of his death.<sup>1</sup> It is quite possible to believe that such men as the Earl of Douglas and Sir Robert Erskine, the Bishops of St Andrews and Brechin, with other prelates and nobles, who were engaged in perpetual secret negotiations with Edward, should have been amused with propositions for a complete union and a perpetual peace between the two countries ; while David himself and those traitors who were admitted into the deeper parts of the plot assisted at their negotiations, sheltered themselves under their upright character, and thus disarmed suspicion.

Meanwhile, under this change of measures, Scotland gradually improved, and the people, unconscious of the hidden designs which threatened to bring her down to the level of a province of England, enjoyed the benefits and blessings of peace. The country presented a stirring and busy scene. Merchants from Perth, Aberdeen, Kirkaldy, Edinburgh, and the va-

<sup>1</sup> Rotuli Scot. vol. i. p. 859, 862.

rious towns and royal burghs, commenced a lucrative trade with England, and through that country with Flanders, Zealand, France, and other parts of the continent ; wool, hides, sheep and lamb skins, cargoes of fish, herds of cattle, horses, dogs of the chase, and falcons, were exported ; and in return, grain, wine, salt, and spices of all kinds, mustard, peas, potashes, earthen-ware, woollen cloth, silver and gold in bars, cups, vases, and spoons of the same precious metals, swords, helmets, cuirasses, bows and arrows, horse furniture, and all sorts of warlike accoutrements, were imported from England, and from the French and Flemish ports, into Scotland.<sup>1</sup>

Frequent and numerous parties of rich merchants, with caravans laden with their goods, and attended by companies of horsemen and squires, for the purposes of defence and security, travelled from all parts of Scotland into England and the continent.<sup>2</sup> Edward furnished them with passports, or safe conducts ; and the preservation of these instruments, amongst the Scottish rolls in the Tower, furnishes us with an authentic and curious picture of the commerce of the times. We find these passports granted to bodies of fifty and sixty at a time ; each of the merchants being men of such wealth and substance, as to be accompanied by a suite of four, five, or six horsemen. In the year 1363 passports are, of the same date, granted to forty-nine Scottish merchants,

<sup>1</sup> *Rotuli Scotiæ*, pp. 760, 881, 891, 911, 925. Rymer, vol. iv. p. 575.

<sup>2</sup> *Rotuli Scotiæ*, p. 876.

who are accompanied by a body of eighty-seven horsemen, and eighteen squires or garçons ; and the following year is crowded with expeditions of the same nature. On one memorable occasion, in the space of a single month, a party of sixty-five merchants obtain safe-conducts to travel through England, for the purposes of trade ; and their warlike suite amounts to no less than two hundred and thirty horsemen.<sup>1</sup>

Besides this, the Scottish youth, and many scholars of more advanced years, crowded to the colleges of England ;<sup>2</sup> numerous parties of pilgrims travelled to the various shrines of saints and martyrs, and were liberally welcomed and protected ;<sup>3</sup> whilst, in those Scottish districts which were still in the hands of the English, Edward, by preserving to the inhabitants their ancient customs and privileges, endeavoured to overcome the national antipathy, and conciliate the affections of the people. Commissions were granted to his various officers in Scotland, empowering them to receive the homage and adherence of the Scots, who had hitherto refused to acknowledge his authority ; passports, and all other means of indulgence and protection, were withdrawn from such as resisted, or became objects of suspicion ; and

<sup>1</sup> Rotuli Scotiæ, vol. i. p. 886.

<sup>2</sup> Ibid. pp. 886, 891.

<sup>3</sup> Ibid. pp. 878, 879, 880. Amongst these pilgrims who resorted to foreign parts, for the purposes of study or devotion, was John Barber, Archdeacon of Aberdeen, the admirable metrical historian of King Robert Bruce. Rotuli Scotiæ, p. 897. He was accompanied by six horsemen.

every means was taken to strengthen the few castles which he possessed, and to give security to the inhabitants of the extensive district of Annandale, with other parts of the country, which were in the hands of English subjects.<sup>1</sup>

During the course of the year 1362, the Bishops of St Andrews and of Brechin, Wardlaw Archdeacon of Lothian, with Sir Robert Erskine, and Sir Norman Lesly, were engaged in a secret mission to the court of England; and a public negotiation was commenced, for a final peace between the two countries, which appears not to have led to any satisfactory result.<sup>2</sup> The truce, however, was still strictly preserved; the fears of an invasion of England, by the party opposed to Edward, had entirely subsided; and the pacific intercourse between both countries, by the constant resort of those whom the purposes of trade, or superstition, or pleasure, or business, carried from their homes, continued as constant and uninterrupted as before.<sup>3</sup> Meanwhile Joanna, Queen of Scotland, who had resided for some time past at her father's court, was seized with a mortal illness, and died in Hertford castle.<sup>4</sup> In the course of the former year, the only son of the Earl of Sutherland, who was nephew to the Scottish king, had been cut off by the plague at Lincoln.<sup>5</sup> Edward Baliol lay

<sup>1</sup> Rotuli Scotiæ, pp. 861, 872, 873, 875, 894.

<sup>2</sup> Ibid. vol. i. pp. 862, 864.      <sup>3</sup> Ibid. pp. 859, 860, 865.

<sup>4</sup> Walsingham, p. 179.

<sup>5</sup> Fordun a Goodal, vol. ii. p. 366. Edward Baliol also died in 1363 at Doncaster. Knighton, p. 2627.



also on his deathbed ; and these events were seized upon, as a proper opportunity to bring forward that great plan, which had been so long maturing, and by which Edward the Third persuaded himself that, in return for his flattering and indulgent policy, he was to gain a kingdom.

Although the ramifications of the conspiracy, by which Edward and David attempted to destroy the independence of Scotland, are exceedingly obscure, enough, I think, has been pointed out to prove that it had been going on for many years. We have seen that the English king purchased from Baliol the whole kingdom ; that David had completely thrown himself into the arms of England, and even actually acknowledged the superiority of the one crown over the other ; and now that it was imagined all obstacles were removed, we are to witness the open developement, and the utter discomfiture, of this extraordinary plot. A parliament was summoned at Scone in the month of March 1363 ;<sup>1</sup> and the king, after alluding to the late negotiation for a final peace, which had taken place between the commissioners of both countries, proceeded to explain, to the three Estates, the conditions upon which Edward had agreed to concede this inestimable blessing to the country. He proposed, in the event of his death, that the states of the realm should choose one of the sons of the King of England to fill the Scottish throne ; and he recommended, in the strongest manner, that such choice

<sup>1</sup> 4th March, 1363-4. Robertson's Parliament. Record, p. 100.

should fall upon Lionel, the third son of that monarch, —a prince in every respect well qualified, he affirmed, to defend the liberty of the kingdom. If this election was agreed to, he was empowered, he said, to disclaim, upon the part of the King of England, and his heirs, all future attempts to establish a right to the kingdom of Scotland, under any pretence whatever; that grievous load of ransom, which pressed so heavily upon all classes of the country, would be from that moment discharged;<sup>1</sup> and he concluded, by expressing his conviction, that in no other way could a safe and permanent peace be established between the two nations.<sup>2</sup>

The Estates of parliament stood aghast at this extraordinary proposal, which was received by an instantaneous burst of deep and undissembled indignation. It required, indeed, no little personal intrepidity to name such terms to an assembly of armed Scottish barons. Their fathers and themselves had, for more than sixty years, been engaged in almost uninterrupted war against the intolerable aggressions of England. It was for the stability of the kingdom, whose liberties were now attempted to be so wantonly sacrificed, that Wallace, and Douglas, and Randolph, and Bruce, had laboured and bled. By the most solemn acts of the legislature, and their own

<sup>1</sup> Although this is not mentioned by Fordun or Winton, I have inferred, that the discharge of the ransom was stipulated, from the terms of the Parliamentary Record, and from the 6th article of the subsequent secret treaty at Westminster. Rymer, vol. vi. p. 426.

<sup>2</sup> Fordun a Goodal, vol. ii. p. 366.

oaths, taken with their hands on the holy gospels, they were bound to keep the throne for the descendants of their deliverer ; and it is not difficult to imagine, with what bitter feelings of sorrow and mortification they must have reflected, that the first proposal for the alteration of the succession came from the only son of Robert Bruce. In such circumstances, it required neither time nor deliberation to give their answer. It was brief, and perfectly unanimous. " We never," said they, " will allow an Englishman to rule over us ; the proposition of the king is foolish and improvident, for he ought to have recollected that there exist heirs to the throne, whose age and virtues render them worthy of that high station ; and to whom the three Estates are bound to adhere, by the deeds of settlement, which have been ratified by their own solemn oath.—Yet," they added, " they earnestly desired peace ; and, provided the royal state, liberty, and separate independence of the kingdom were not infringed upon, would willingly make every sacrifice to attain it."<sup>1</sup>

With this resolute answer the king was deeply moved. His eyes flashed with rage, and his gestures for a moment betrayed the conflict of anger and disappointment which was passing in his mind ;<sup>1</sup> but he re-

<sup>1</sup> " Cui breviter, et sine ulteriori deliberatione aut retractatione responsum fuit per universaliter singulos, et singulariter universos de tribus statibus, NUNQUAM SE VELLE CONSENTIRE ANGLICUM SUPER SE REGNARE." Fordun & Goodal, vol. ii. pp. 366, 367. Winton, vol. ii. p. 294. Robertson's Parliamentary Records, p. 100.

pressed his feelings, and, affecting to be satisfied, passed on to other matters. It was determined to open an immediate negotiation with England, preparatory to a final treaty of peace ; and for this purpose, Sir Robert Erskine, along with Walter Wardlaw the Archdeacon of Lothian, and Gilbert Armstrong, were appointed commissioners by the parliament. With regard to the ransom, the nobles declared, that they were ready to suffer every privation, and cheerfully to strain every nerve, for the payment of the whole sum ; and that they would use their utmost exertion to prevent the truce between the two countries from being broken, as well as to answer for the fines and penalties which were already due for its infringement, by that party which was adverse to England.<sup>2</sup> These expressions alluded, no doubt, to the Steward and his friends, who, for some time before

<sup>1</sup> Winton, B. 8. c. 45, p. 294.

<sup>2</sup> In the record of this important parliament, which is unfortunately in an extremely mutilated state, there is some obscurity as to the meaning of the words "*Si que per partem adversam pro commissis hactenus possent infligi vel obici.*" I understand the "*pars adversa*" to be the party of the Steward, which was decidedly hostile to England, and eager to break the truce. The whole "*Record*" of this famous parliament has been printed, by the late Mr Robertson, in that first and most interesting volume of the Acts of Parliament, which, on account of some defects in its arrangement, was cancelled and withdrawn. A copy of this rare work, which has been already quoted frequently in the course of this volume, was, many years ago, presented by Mr Thomson, the present Deputy-Clerk-Register, to my late father, Lord Woodhouselee, and to this unpublished record I am indebted for the most valuable assistance, in an attempt to explain one of the darkest periods of Scottish history.

this, must have been aware of the practices of David against the independence of the country, and his secret intrigues with Edward.

The object of this daring plan, which, there is reason to believe, had been maturing during the whole course of David's captivity, was now avowed in open parliament; and if carried into execution, it would have excluded for ever from the throne of Scotland, the Steward, and all descendants of Robert the Bruce. We are not, therefore, to wonder that the bare proposal of such a scheme alarmed and agitated the whole kingdom. It was instantly, indeed, repelled and put down by the strong hand of parliament, and apparently given up by the king; but all confidence between David and his nobles was destroyed from this moment, and the effects of this mutual suspicion became soon apparent.

The Steward, who had good reason to suspect the sincerity of the king, assembled his friends, to deliberate upon the course of proceedings which it was deemed necessary to adopt; and a very formidable league or conspiracy was soon formed, which included amongst its supporters a great majority of the nobility.

According to a common practice in that age, the lords and barons who stood forward against the king, entered into bonds or agreements of mutual defence and support, which were solemnly ratified by their oath and seal.<sup>1</sup> The Steward himself, with the Earl of March, the Earl of Douglas, the Steward's two

<sup>1</sup> Fordun a Hearne, p. 1057.

sons, John Steward of Kyle and Robert Steward of Menteith, and others of the most powerful nobility in the country, openly proclaimed, that they would either compel the king to renounce for ever his designs, and adhere to the succession, or would at once banish him from the throne.<sup>1</sup> To show that these were not empty menaces, they instantly assembled their retainers, and in great force traversed the country. The nobles who supported David were cast into prison, their lands ravaged, their wealth, or rather the wealth of their unfortunate vassals and labourers, seized as legitimate spoil; and the towns and trading burghs, where those industrious mercantile classes resided, who had no wish to engage in political revolution, were cruelly invaded and plundered.

The violence of these proceedings gave to the cause of the king a temporary colour of justice, and of this his personal courage, the only quality which he inherited from his great father, enabled him to take advantage. He instantly issued a proclamation, —in which he commanded the rebels to lay down their arms, and return to their allegiance, as peaceable and faithful subjects; and summoned his barons to arm themselves and his vassals in defence of the insulted majesty of the throne.<sup>2</sup> To the body of the disinherited barons in England, whose strength had, not long before, achieved so rapid a revolution, in

<sup>1</sup> Fordun & Hearne, p. 1057.

<sup>2</sup> Fordun & Goodal, vol. ii. p. 367.

placing Baliol on the throne, David confidently looked for assistance. This party included the Earl of Athole, the Lords Percy, Beaumont, Talbot and Ferrers, with Godfrey de Ros, and a few other powerful nobles. From them, and from Edward himself, there is reason to believe that the king received prompt support both in men and money ; for it is certain that he was able to collect a numerous army, and to distribute amongst the soldiers infinitely larger sums for their pay and equipment than the exhausted state of the country and of his own coffers could have afforded.<sup>1</sup> The strong castles of Rokesburgh, Jedburgh, and Lochmaben, with the Border districts around them, comprehending Annandale, part of Teviotdale, and the Merse,<sup>2</sup> were in the hands of the English, who compelled their warlike population to serve against the Steward ; so that David was enabled to advance instantly against his enemies, with a force which it would have been folly in them to attempt to resist. It was fortunate that the two parties thus ranged in deadly opposition against each other, were yet mutually afraid of pushing matters into the extremities of a war. The king knew that he was generally unpopular, and that his attempt to change the succession was regarded with bitter hostility, not only by the nobles, but by the whole body of the nation, and he naturally dreaded to call these feelings into more prominent action.<sup>3</sup> On

<sup>1</sup> Fordun & Hearne, p. 1058. Robertson's Parliamentary Records, p. 101.

<sup>2</sup> Rymer's *Fœdera*, vol. vi. p. 426.

<sup>3</sup> Fordun & Hearne, p. 1058.

the other hand, the Steward was anxious, under such threatening circumstances, when his title to the crown was proposed to be set aside, to conciliate the affections of the people by a pacific settlement of the differences between himself and the sovereign. These mutual feelings led to a treaty which saved the country from a civil war. On the approach of the royal army, the Steward, and the barons who supported him, agreed to lay down their arms and submit to the clemency of the king. The mutual bonds and engagements by which their party was cemented, were solemnly disclaimed and cancelled in an assembly of the whole nobility of Scotland, which was convoked on the 14th of May, at Inchmurdach, a palace of the Bishop of St Andrews,<sup>1</sup> where the Steward again renewed his oath to David. He swore upon the holy gospels that he would henceforth continue faithful to the king as his sovereign and liege lord ; that to the utmost of his power he would defend him from his enemies, and support his servants and ministers against every opposition ; and this he promised, under the penalty of losing all title to the throne of Scotland, of forfeiting his lands and possessions for ever, and of being accounted a perjured and dishonoured knight.<sup>1</sup>

In return for this prompt submission, the Steward's title in the succession was distinctly recognised, and the earldom of Carrick conferred upon his eldest son, afterwards Robert the Third.<sup>2</sup> The Earls of

<sup>1</sup> Macpherson's *Geographical Illustrations of Scottish History*.

<sup>2</sup> Fordun a Goodal, vol. ii. p. 369.



March and Douglas, the sons of the Steward, and the rest of the barons who had joined his party, renewed their fealty at the same time, and David had the satisfaction to see a dangerous civil commotion extinguished by his energetic promptitude and decision. But this was only a temporary ebullition of activity, and as if worn out by the exertion, the king relapsed into his usual indolence and love of pleasure.

It was at this critical time he happened to meet with Margaret Logie,—a woman of inferior birth, but extraordinary beauty. She was the daughter of one of the lower order of barons, and related, in all probability, to that John de Logy, who had been executed for treason during the latter part of the reign of Robert Bruce. Of this lady, David, ever the slave of his passions, became deeply enamoured; and, heedless of the consequences, determined to possess himself of the object of his affection. Overlooking, accordingly, in the ardour of his pursuit, all difference of rank, and despising the resentment of his proud nobility, the king married this fair unknown, and raised her to the throne, which had been filled by the sister of Edward the Third. No step could be more imprudent. The Steward, who, in the event of a son being born of this alliance, would be excluded from the throne by a boy of plebeian origin,—the powerful Earl of March,—the haughty Douglas, and the

<sup>1</sup> Fordun a Hearne, 1059, 1010. Bower (Fordun a Goodal, vol. ii. p. 370) says she was the daughter of Sir John Logy.

other grandees of the realm, whose feudal power and territories were almost kingly, felt themselves aggrieved by this rash and unequal alliance. Disgust and jealousy soon arose between the queen and the nobility; and such was the influence which she at first possessed over the fickle and impetuous monarch, that he cast the Steward, with his son, Alexander Lord of Badenoch, into prison; and soon after, weary of his own kingdom, and aware of his unpopularity, obtained a safe-conduct to travel into England, on a pilgrimage to the shrine of the Virgin at Walsingham.<sup>1</sup> His fair queen, at the same time on the like errand, accompanied by a gallant train of thirty knights, sought the shrine of St Thomas of Canterbury; and Scotland, deserted by her sovereign, and with the nearest heir to the crown in a dungeon, regarded with deep apprehension a state of things, which, to the most superficial eye, was full of danger.

It was not to be expected that a prince, of the talents and ambition of Edward the Third, should fail to perceive, and take advantage of, these complicated difficulties. An immense part of the ransom due by the King of Scotland was still unpaid; and, as the regular terms of settlement had long been neglected, the penalties incurred by such a failure increased the principal sum to an overwhelming amount. The king's increasing unpopularity in Scotland rendered it impossible for him to collect the money which was

<sup>1</sup> Fordun a Goodal, vol. ii. p. 380. This author asserts that the Steward and his three sons were kept in separate prisons. From the Chamberlain Accounts, pp. 498, 524, the fact seems to be as stated in the text.

required. It was only by the kindness and sufferance of Edward that he had not been repeatedly remanded to his prison in the Tower; and, in a few years, if this state of things continued, he felt that he must lay down his royal pomp, and, deserted by a people who bore him neither love nor respect, return to the condition of a captive.<sup>1</sup> These reflections embittered his repose; he determined to consent to every sacrifice, to get rid of a ransom which made him a slave to Edward, and an abject suitor to his subjects; and, under the influence of such feelings, again engaged in a secret treaty with England, against the independence of his own country.<sup>2</sup>

It will be recollected, that the states of Scotland had already dispatched the Bishops of St Andrews and Brechin, along with Sir Robert Erskine, the Chamberlain of Scotland, to negotiate a peace between the two countries;<sup>3</sup> and to the result of this public embassy we shall soon advert. In the mean time, whilst these deliberations proceeded, a secret conference, of a very extraordinary nature, was held between the privy councillors of David and Edward, and in presence of both monarchs, at Westminster, on the 26th of November, 1363.<sup>4</sup> The real object of this meeting was an attempt, upon the part of Edward, to renew his designs for the entire subjection of Scotland. Yet this was done with a caution strongly indicating his sense of the flame which the bare

<sup>1</sup> Rymer's *Fœdera*, vol. vi. p. 48.

<sup>2</sup> *Ibid.* p. 426.

<sup>3</sup> Robertson's *Parliamentary Records*, p. 100. *Rotuli Scotiæ*, 38 Ed. III. m. 6. 18th July, vol. i. p. 884.

<sup>4</sup> The names of the privy councillors are studiously concealed.

suspicion of such a renewal would kindle in that country. It is anxiously premised, in the first passage of the record of this secret conference, that every thing that was done was solely to be regarded in the light of an experiment, and that the various stipulations and conditions which it contains, are not to be considered as finally agreed to, either by one party or the other, but simply as attempts to bring about, under the blessing of God, a lasting peace between the two nations. The King of Scotland, who, along with Edward, was personally present whilst the various articles were made the subject of consultation, consented that, in the event of his death without heirs-male of his body, the King of England, and his heirs, should succeed to the throne of Scotland; upon which event, the town and castle of Berwick, with the castles of Roxburgh, Jedburgh, and Lochmaben, and the whole lands occupied by Robert the First at the time of his death, and now in the hands of the King of England, were to be delivered up to Scotland; whilst the whole arrears of the ransom, as well as all penalties and obligations incurred by its non-payment, were to be cancelled for ever.

These were the two principal articles in the conference; but a variety of inferior stipulations were added, the object of which was evidently to endeavour to reconcile the people of Scotland to a sacrifice of the independent throne of their country, by the solemn manner in which Edward agreed to preserve unimpaired its ancient constitution, and the laws and usages of the kingdom. It was agreed that the name and title of the kingdom of Scotland should be pre-

served distinct and entire, and should never be sunk in a union with England ; whilst, at the same time, it was to remain, not in name only, but in reality, entire, without injury by gift, alienation, or division to any mortal, such as it was in the days of Robert the First. The kings of England were henceforth to be crowned kings of Scotland at Scone, upon the regal and fatal stone-seat, which was to be immediately conveyed thither from England ; and the ceremony was to be performed by those Scottish prelates who were deputed by the church of Rome to that high office. All parliaments regarding Scottish affairs were to be held within that kingdom ; and a solemn oath was to be taken by the English monarch that, as king of Scotland, he would preserve inviolate the rights and immunities of the holy Scottish church, and consent that she should be subject neither to bishop nor archbishop, but solely to the Pope. In addition to all this, Edward engaged faithfully that the subjects of Scotland should never be called upon to answer to any suit, except within the courts of their own kingdom, and according to their own laws. He promised that no ecclesiastical benefices or dignities, and no civil or military office, such as that of chancellor, chamberlain, justice, sheriff, provost, bailie, governor of town or castle, or other officer, should be conferred on any, except the true subjects of the kingdom of Scotland ; and that, in affairs touching the weal of that realm, he would select his councillors from the peers and lords of Scotland alone. He engaged, also, to maintain the prelates, earls, barons, and free tenants of that country, in their franchises

and seignories, in their estates, rents, possessions, and offices, according to the terms of their charter; and pledged his royal word to make no revocation of any of the grants made or confirmed by Robert Bruce, or his son, the present king.<sup>1</sup>

With regard to an important branch in the national prosperity,—the commerce of Scotland, it was declared, that the merchants of that realm should fully and freely enjoy their own privileges, without being compelled to repair, for the sale of their commodities, to Calais, or any other staple, except at their own option; and that they should pay half a merk to the great custom upon each sack of wool which they exported. The duty on the exportation of English wool was higher; and this article formed one of those many devices by which Edward, in his present projects, artfully endeavoured to secure the good-will of the rich burghers of Scotland,—a class of men now rising rapidly into influence and consideration. Nor were other baits for popularity neglected by those who framed this insidious treaty. To the powerful Earl of Douglas it was held out, that he should be restored to the estates in England which had been possessed by his father and his uncle;—to the disinherited lords, the Earl of Athole, the Barons Percy, Beaumont, and Ferrers, with the heirs of Talbot, and all who claimed lands in Scotland, either by the gift of David when a prisoner, or on any other ground, there was promised a full restoration to their estates, without further trouble or challenge.

<sup>1</sup> Rymer's *Fœdera*, vol. vi. p. 427.

The clergy were attempted to be propitiated by an article, which promised to every religious house or abbey, the restoration of the rich lands which had been torn from them during the excesses and calamities of war; and to the numerous and powerful body of vassals, or military tenants, who formed the strength of the nation, it was distinctly announced that, under the change which was to give them a new king, they were yet only to be bound by the ancient and acknowledged laws of military service, which compelled them to serve, under the banner of their lord, for forty days at their own expense; but that afterwards, any farther continuance with the host should entitle them to receive pay according to their state and quality. A general indemnity was offered to all Scottish subjects, in the declaration that no challenge or action whatever should be used against those who had departed from the oaths of homage which they had formerly sworn to England; and, as to any additional conditions or articles which the three Estates of Scotland might judge it right to demand, for the profit or good of their kingdom, the King of England declared, that these points should be duly weighed by his council, and determined according to their advice.

This extraordinary public document concludes by a promise upon the part of David, that he would immediately sound the inclinations of his people upon the subjects of the conference, and inform the King of England and his privy council of their feelings regarding the propositions it contained, fifteen days after Easter.<sup>1</sup>

<sup>1</sup> *Fœdera*, vol. vi. p. 427.

There remains no record by which we can discover whether this treaty was ever made the subject of deliberation in the Scottish Parliament, or even in the privy council; but, fortunately for the peace of the country, it was unknown to the people for many hundred years after the conference. Meanwhile David and his queen remained at the court of Edward, rendered at this time especially brilliant, by the presence of the Kings of France, Cyprus, and Denmark.<sup>1</sup> Amid the splendid entertainments, in which this weak prince endeavoured to forget his kingdom, and to silence and drown reflection, one is worthy of notice. Sir Henry Picard, a wine-merchant, gave a feast, in his own mansion, to his royal master, Edward the Third. He invited, at the same time, the Kings of France, Scotland, Cyprus, and Denmark, with the personal suites of these monarchs, the sons of Edward, and the principal barons of England, who were all welcomed with princely magnificence. Whilst these guests were feasting in the hall, his wife, the Lady Margaret, received, in her own apartments, the princesses and ladies of the court. A simple citizen of London, entertaining five kings in his own house, affords a remarkable picture of the wealth of the capital.

Amid such secret treachery and public rejoicings, the Scottish commissioners continued their negotiations for peace; and, after long debate and delay, re-

<sup>1</sup> Barnes's Edward III. p. 693. Rotuli Scotie, vol. i. p. 884, 38 Ed. III.



turned to Scotland. David also repaired to his kingdom, and a parliament was summoned to meet at Perth, for the purpose of reporting to the three Estates the result of the deliberations on the projected treaty between the two countries.<sup>1</sup> This great council met accordingly on the 13th of January, 1364, and nothing could be more wise and independent than their conduct. The embarrassment of the nation, resulting from the immense expenditure of public money, and the increasing anxiety caused by the great portion of the king's ransom, which was yet unpaid, are apparent in their deliberations; and they were willing to make every sacrifice in order to extricate the country from the difficulties which surrounded it, to be freed from the payment of the ransom, and to obtain an honourable and lasting peace. For the accomplishment of this end, they declare themselves ready to restore the disinherited lords, meaning by this the Earl of Athole, the Lords Percy, Beaumont, Talbot, Ferrers, Godfrey de Ros, and a few others of inferior note, to the estates which they claimed in Scotland;<sup>2</sup> and to settle upon the youngest son of the King of England, the lands in Galloway which were the inheritance of Edward Baliol, and the Isle of Man. The annual income of this island is rated at a thousand merks; and it is stipulated, that if the Earl of Salisbury should claim the property of the island, an annuity of one thousand merks sterling should be

<sup>1</sup> Robertson's Parliamentary Records, p. 101.

<sup>2</sup> Robertson's Parl. Rec. 101. Leland Collect. vol. i. pp. 552, 553.

paid to the prince, until lands of the same value are settled upon him, provided always that he is willing to hold the same as the sworn vassal of the King of Scotland. In the event of such conditions being accepted by England as an equivalent for the ransom, they declare themselves ready to show their sincerity as allies by an invasion of Ireland, conducted by the king in person, and directed against that part of the coast where the landing is likely to be most successful.

The anxiety of the parliament for peace is strongly marked in the next article in their deliberations. If, say they, these conditions, which we are ready to make the basis of our negotiation, are not accepted by England, still, rather than renounce all hopes of a just and lasting peace, we have unanimously agreed that the ransom shall be paid, provided that moderate intervals between each term of payment are allowed; and in the understanding that a perpetual union and alliance takes place between the two nations, if not on terms of a perfect equality of power, at least on such conditions as shall in no degree compromise the freedom and independence of Scotland. In these conditions the Estates declare themselves willing to include the articles regarding the disinherited lords, the provision to the son of the King of England, and the invasion of Ireland, provided the talents and industry of those to whom the negotiation has been intrusted are unsuccessful in obtaining a mitigation of the same. A proportional deduction from the large

<sup>1</sup> Robertson's Parl. Rec. p. 101.

sum of the ransom was of course to be made, if such conditions are accepted by England.

It became, in the next place, a subject of grave consideration with the parliament, what conduct ought to be pursued, if, by such sacrifices, they were yet unable to procure the blessing of peace; and in their deliberations upon this subject, we are introduced to a view of the great efforts which the country was ready to make, and of the mode in which the three Estates proposed to raise money for the payment of the ransom, which is important and instructive.

Of the original sum which had been stipulated, namely, one hundred thousand merks sterling, twenty thousand merks had been already paid; although, owing to the instalments not having been regularly transmitted at the appointed periods, there had been an accumulation of a considerable sum in the form of penalty for non-payment. It was accordingly proposed by the parliament, that England should agree to a truce for twenty-four years, upon which they were ready to pay down annually, during the continuance of that period, five thousand merks sterling, till the sum of a hundred and twenty thousand merks was completed, being the whole accumulated ransom and penalty. Should the English council refuse a cessation on such terms, two other schemes are suggested. The first is the payment of a hundred thousand pounds, at the rate of five thousand merks yearly, exclusive of the twenty thousand merks already received by England; and if this should fail to be accepted, they declare themselves willing, rather than

renounce the hopes of a truce, to pay down in ten years, at the rate of ten thousand merks annually, the full sum of a hundred thousand merks, as stipulated in the first treaty regarding the ransom of the king.

The manner in which this enormous sum was to be raised became next the subject of consideration. It was determined that an annual tax, or custom, of eight thousand merks was to be levied upon the whole wool of the kingdom, and that certain tried and faithful burgesses should be appointed to receive it in Flanders in English money ; but the precaution was added, that it would be necessary to have some experienced person to attend in the weighing-house upon the part of the king, to superintend the annual payments, and watch over the interests of his master. In this manner, eight thousand merks were to be paid annually, according to the conditions of the first treaty.

In addition to this, it was enacted in the same parliament, that a general annual tax should be levied throughout the kingdom of six pennies in the pound upon every person, without exception. Out of this general sum, two thousand merks were to be yearly appropriated to make up the ten thousand merks of the redemption money, and the residue was to remain in the hands of the chamberlain for the necessary expenses of the king.

The lords and barons assembled in parliament solemnly engaged to ratify and approve of any treaty of peace or truce, which the plenipotentiaries who managed the negotiation might conclude with the King of

England and his council, and to adhere to, and carry into effect, the above-mentioned ordinance for the payment of the ransom strictly and faithfully. They agreed, also, that they would not, secretly or openly, for themselves or for their dependents, demand the restoration of any lands, which, during the time stipulated for the payment of the ransom, should happen to fall in the king's hands by ward, relief, marriage, fine, or escheat, but allow the same to remain entire in the custody of the chamberlain for the use of the king; and it is added, that they have adopted this resolution, because the non-fulfilment of these conditions might lead to an utter abrogation of the treaty already in the course of negotiation; an event which could not fail to bring both disgrace and loss upon the king, the prelates, and the nobility, and destruction upon the rest of the kingdom.

The proceedings of this important parliament concluded by an oath, taken by the prelates, lords, and commons who composed it, with their hands upon the holy gospels, that they would, with their whole power, pursue and put down any person whatsoever who should infringe, hinder, or speak evil against any of the resolutions above mentioned; that they would regard such person as a public enemy, and a rebel against the crown, and, under the penalty of being themselves accounted perjured and traitorous persons, would compel him or them to the due observance of the stipulated agreement.<sup>1</sup> The Steward

<sup>1</sup> Robertson's Parliamentary Records, p. 101, 102. The original

of Scotland, with his eldest son, John, Lord of Kyle, afterwards Robert the Third, the Earl of Ross, and Keith, Lord Marischal, were the chief of the higher barons who sat in this parliament. A pilgrimage to the shrine of St Thomas à Becket<sup>1</sup> detained the powerful Earls of March and Douglas in England; but the attendance of the bishops and abbots, of the minor barons and the representatives of the royal burghs, was full and respectable, and the resolutions may be regarded as a very fair criterion of the feelings and wishes of the kingdom.

In consequence of such resolutions, a farther negotiation took place at London, between the English and Scottish commissioners, in which the heads of a new treaty of peace were debated and drawn out.<sup>2</sup> Of this treaty, the principal articles consisted in a proposed truce, for twenty-five years, between the two kingdoms, and an engagement, upon the part of Scotland, to pay into the English treasury a hundred thousand pounds sterling, in full of all demand for ransom, and of all penalties for non-payment at the stated period. In the mean time, until this long truce should be finally settled, a short one of four years was certainly to take place, during which the negotiations for a just and final peace were to proceed; and if, after the lapse of this probationary period, either country preferred war to peace, in that

record, which has never been published, will be found in the Appendix, letter F. It is dated 13th January, 1364.

<sup>1</sup> *Rotuli Scotiæ*, vol. i. pp. 878, 879.

<sup>2</sup> *Rymer's Fœdera*, vol. vi. p. 464.

event, half a year's warning was to be given, previous to the commencement of hostilities, by letters under the great seal.<sup>1</sup> It was stipulated also, upon the part of the King of Scotland, that, in the event of a declaration of war by Edward after the four years' truce, all the sums already paid, during this interval of peace, are to be deducted from the sum of eighty thousand merks of ransom money, which the king has bound himself to pay by letters under his great seal. On these conditions, Edward prorogued the truce from the 20th of May, 1365, for the space of four years,<sup>2</sup>—anxious to employ this interval of peace in renewed intrigues for the subjugation of the country.

In less than a month after this prorogation, a parliament was held at Perth, in the hall of the Dominican convent, in presence of the king, where the result of the latest conferences between the Scottish and English commissioners, regarding an ultimate peace, was anxiously debated.<sup>3</sup> It was attended by the Bishops of St Andrews, Dunkeld, Moray, Brechin, and Quhit-hern, the Steward of Scotland, the Earls of Dunbar, Moray, and Douglas, John de Yle, Keith the Marshal, Sir Robert Erskine, Sir Henry de Eglynton, Sir William de Haliburton, Sir Roger Mortimer, Sir David Flemyng, John of Argyle, Lord

<sup>1</sup> Robertson's Parliamentary Recor. p. 102. The letter of David upon this projected treaty, is dated at the castle of Edinburgh, 12th June, 1365.

<sup>2</sup> Ibid. p. 103. 20th June, 1365. <sup>3</sup> Ibid. p. 104. 24th July, 1365.

of Lorn, and Gillespie Campbell. In this parliament many of the nobility and lesser barons do not appear to have sat; and the circumstance of sixty-five of the principal Scottish merchants having received safe-conducts for travelling into England during the course of the preceding year,<sup>1</sup> will probably account for the absence of the representatives of the burghs from the same assembly. It would appear, from the fragment of an ancient record of its proceedings, which is all now left us, that Edward, as one of the bases of a final peace between the two countries, had insisted that Scotland, in the event of England being invaded, should assist her ancient enemy with a subsidy of forty men-at-arms and sixty archers, to serve within England, and to be paid by that country. This obligation was to be binding upon Scotland for ever; or, in the event of its not being accepted by England, it was proposed, as an alternative, that David should assist Edward in his Irish war with a body of Scottish troops, who were to serve in Ireland for five years, but only for the space of three months each year. If, on the other hand, Scotland should be invaded by foreigners, an English subsidy of two hundred men-at-arms, and three hundred archers, were promised by Edward for the assistance of his ally, to be supported by Scotland. A reference was finally made to the resolutions drawn up, as the basis of a final peace, in the former parliament, which was

<sup>1</sup> *Rotuli Scotiæ*, p. 885. The safe-conducts are dated the 4th November, 1364, and lasted for a year.



held at Perth in the preceding year ; and it was unanimously determined, that rather than renounce the hope of a lasting and honourable peace, every article contained in these resolutions should be conceded to England, provided that the talents and industry of the commissioners to whom they had intrusted the negotiation did not succeed in obtaining some mitigation of the conditions.<sup>1</sup>

The extraordinary sacrifices which the Scottish parliament and the nation were ready to consent to for the sake of peace, encouraged Edward in the hope that the country was at length exhausted by its long struggle for freedom, and that its ultimate reduction under the power of England was not far distant ; and the political measures which he adopted to secure this great end of his ambition, were far more likely to succeed than open force or invasion. The country had been reduced to the lowest pitch of impoverishment in every branch of national wealth ; and in this condition, by the encouragement which he extended to its merchants,<sup>2</sup> the security and protection which were given to the vassals and labourers who lived upon the lands in Scotland subject to himself or to his nobles, and the privileges bestowed on the religious houses which had come under his peace,<sup>3</sup> he contrived to make them feel, in the most lively manner, the blessings of peace as contrasted with the com-

<sup>1</sup> Robertson's Parliamentary Records, p. 104.

<sup>2</sup> *Rotuli Scotiæ*, vol. i. p. 897. 16th Oct. 1365. *Ibid.* vol. i. p. 891.

<sup>3</sup> *Ibid.* vol. i. p. 894. 26th May, 1365. *Ibid.* p. 887, 906.

plicated miseries of war. The minutest methods of engaging the affections and good wishes of the people were not neglected ; and the conqueror at Cressy did not disdain to grant his royal letters to a Scotch tile-maker, that he might improve himself in his mystery by a residence in London.<sup>1</sup>

It is impossible now to discover the secret practices, by which he succeeded in corrupting or neutralizing the patriotic principles of the higher classes of the nobility ; but the fact is certain, that an almost uninterrupted but secret correspondence took place between the English and Scottish kings ;<sup>2</sup> that several of the greater barons embraced his interests ; and that numbers of the knights and gentry of Scotland were detached from their country, either by entering into the service of foreign powers,<sup>3</sup> by engaging in pilgrimages to holy shrines in England, or by permitting themselves to be seduced from their severer duties at home by the chivalrous attractions of the splendid court of Edward.

David and his queen paid repeated visits to the shrine of St Thomas of Canterbury ; the powerful Earl of March repaired to England upon the same pretence ;<sup>4</sup> John Barbour, Archdeacon of Aberdeen,

<sup>1</sup> Rotuli Scotiæ, vol. i. p. 905.

<sup>2</sup> Rotuli Scotiæ, vol. i. p. 896. 15th Aug. 1365.

<sup>3</sup> Dillon's History of Peter the Cruel, vol. ii. p. 50.

<sup>4</sup> From the extreme frequency of these pilgrimages, and the abruptness with which the rage for them seems to have seized the Scots, I suspect they were political missions under the cloak of religion. The first of them is in 1357, 12th March. Rotuli Scotiæ,

a name famous as the metrical historian of Bruce, obtained a safe conduct to proceed with six knights upon a foreign pilgrimage;<sup>1</sup> and we may form some idea of the extent to which these religious expeditions were carried, and the important advantage they gave to Edward in crippling the power of Scotland, from the fact that, in the end of the year 1365, a band of twenty-two Scottish pilgrims, most of them knights and soldiers, having in their company a body of a hundred horsemen, left their own country upon pilgrimages to different shrines in England, Europe, and Asia.<sup>2</sup> Another hold of Edward over the Scottish barons, was their needy circumstances, and the debts which they had left in England. David himself and his queen did not venture to come into England without a special protection from arrest for his person, his suite, and his whole establishment; and from the sums expended during their captivity or in their ransom, and in support of the hostages, many of his barons were undoubtedly in the same situation;<sup>3</sup> exposed to the annoyance of an arrest if they thwarted the views of Edward, or treated with indulgence and lenity if they promoted the objects of his ambition.

p. 882. In the year 1363, the Earls of March, Douglas, and Mar, successively visited the shrine of St Thomas a Becket.

<sup>1</sup> Rotuli Scotiæ, p. 897. 16th Oct. 1365. <sup>2</sup> Ibid. vol. i, p. 901.

<sup>3</sup> Ibid. vol. i. p. 900. 18th March, 1365-6, and p. 901, *salvi conductus, cum protectione ab arresto, pro Rege et Regina Scotiæ, et pro comite Marchiæ limina Sancti Thomæ visitaturis*. See also Rotuli Scotiæ, vol. i. p. 882.

At this time, the English king carried his arrogance so far, as to designate Robert Bruce as the person who had pretended to be the King of Scotland; nor did he deign, in his various dispatches and letters of protection, to give David the royal title, calling him his dear brother and prisoner, and affecting to consider Scotland as part of his own dominions.<sup>1</sup> This was not altogether a vain boast; various parts of that country, and some of its strongest castles, were in his hands, or in the occupation of his subjects; he possessed large tracts on the Marches, in Annandale, Tynedale, Teviotdale, and Liddesdale, whilst the religious houses of Kelso and Melrose, and in all probability other abbeys or monasteries, whose names do not appear in the record, had submitted to his authority, and enjoyed his protection.<sup>2</sup> Yet although the secret negotiations between the two countries continued, and David and his queen, from the frequency of their visits, seemed almost to have taken up their residence in England, the spirit of the country was in no degree subdued, and Edward found himself compelled to issue orders to Henry Percy, with the barons Lucy, Clifford, Dacres, and Musgrave, to keep themselves in readiness to repel a meditated invasion of the Scots.<sup>3</sup>

The Scottish parliament which met at Perth in the summer of the preceding year, had expressed a hope that the commissioners, to whom they intrusted the

<sup>1</sup> *Rotuli Scotiæ*, vol. i. p. 900. 15th March, 1365-6.

<sup>2</sup> *Ibid.* vol. i. pp. 794, 875, 877, 880, 887, 894, 896, 902, 908.  
*Rymer's Fœdera*, vol. vi. p. 594.

<sup>3</sup> *Rotuli Scotiæ*, p. 896. 20th Aug. 1365.

negotiation of a peace, might succeed in obtaining some mitigation of the rigorous conditions proposed by Edward. In this expectation they were disappointed. That monarch, as was to be expected, increased in the insolence of his demands ; and in an assembly of the Scottish council, which took place at the monastery of Holyrood on the 8th of May, when David was, as usual, absent in England,<sup>1</sup> the spirit of the nobles who remained true to their country, seems to have gathered courage from despair. They announced, in the strongest possible language, that the propositions of Edward with regard to the homage, the succession, and the demembration of the kingdom, could not for a moment be entertained ; that they involved a submission which was altogether inadmissible and intolerable ; and that, in the event of the probable rejection of all overtures of peace, the Scottish people, rather than consent to such degrading terms, were willing to make still greater sacrifices in order to pay off the ransom of their king. For this purpose, they declared themselves ready to submit to an additional tax upon the whole lands in the kingdom, both lay and ecclesiastical ; and it was enacted by the same order of council, that directions should be given to the sheriff of each county, to appoint certain days for the appearance of the richest proprietors within his jurisdiction, at which time certain persons deputed by the king or the chamberlain should attend, to mark the precise sum which each

<sup>1</sup> Robertson's Parliamentary Records, p. 104. *Rotuli Scotiæ*, vol. i. pp. 900, 901.

was willing to contribute within three years, towards defraying the ransom of the king, and to collect the same, so that, at the end of the four years' truce, the whole ransom money may be ready to be delivered to England.<sup>1</sup>

The Order of Council, from which these facts are extracted, is a mutilated document, and unfortunately contains no further information; but enough of it remains to evince the temper of the Scottish people; and any further attempts at negotiation only served to show the vanity of all expectations of a final peace, and to widen the breach between England and the well affected part of the nation. Preparations for war, orders to the lords marchers to put the Borders in a state of defence, to command an array of all fighting men between sixteen and sixty, and to strengthen and victual the castles on the marches,<sup>2</sup> succeeded to these abortive attempts at negotiation; and it seems to have been confidently expected in England that the Scots would break or renounce the truce, and attack the Border counties. Meanwhile a Parliament was convoked at Scone on the 20th of July,<sup>3</sup> which was fully attended by the bishops, abbots, and priors, by the high lords and lesser barons, as well as the representatives of the royal burghs.

<sup>1</sup> Robertson's Parliamentary Records, p. 104. The fragment of the Order of Council will be found in the Appendix, letter G. Its date is the 8th of May, 1366.

<sup>2</sup> Rotul. Scot. 906. 908, 909, vol. i. The castles of Berwick, Lochmaben, and Roxburgh, were then in the hands of Edward.

<sup>3</sup> Robertson's Parliamentary Records, p. 105. 20th July, 1366.

The expenses which had been contracted by the incessant and wasteful visits of David and his queen to the court of Edward; the heavy sums due by the Scottish commissioners, who had been so long and so fruitlessly engaged in negotiations for peace; and the very large balance of the ransom which still remained unpaid; formed altogether a load of debt, the payment of which was a subject of ceaseless anxiety, and called for new sacrifices. Three years of the short truce had now expired; yet peace appeared now even more distant than before, and war and bankruptcy were fast approaching. In these circumstances, it was resolved to make a last attempt at negotiation; and to intrust its management to the same commissioners, the Bishop of St Andrews, Sir Robert Erskine Wardlaw, Archdeacon of Lothian, and Gilbert Armstrong; with directions that the articles, already drawn up in the former parliament at Perth,<sup>1</sup> should be the basis of their negotiation. If their efforts failed to procure a final peace, they were directed by the Parliament to obtain, if possible, a prolongation of the truce for twenty-five years, on condition that Scotland paid annually four thousand pounds in extinction of the remainder of the ransom. An exact estimate of the actual value of the whole lands in the kingdom, as distinguished from that denominated the ancient extent, was appointed to be taken. In this census were included the lands belonging to the church, the estates of the nobles and lesser barons,

<sup>1</sup> Held on the 19th January, 1364.

the property of the burghers and merchants, and even the goods of the husbandmen or labourers. From this estimate of property, a special exception is made as before in favour of the "white sheep," which were to pay nothing to the general contribution; and it was directed that, on a certain day,<sup>1</sup> the returns should be given in at Edinburgh to the council; after which, on summing up the whole, a contribution of eight thousand marks was to be levied upon the gross rental of the kingdom, to defray the expenses of the king's visits; to pay off the debts which he had contracted in his own kingdom; and to cover the charges of the commissioners. As to the L.4000 annually due as ransom money, it was agreed that, until the return of the commissioners, this should be paid out of the great custom which had been set apart for that purpose in a former parliament. After their return, it was deemed advisable by the parliament that this sum of L.4000 should be taken out of the produce of the general tax upon the property of the kingdom, and that L.2000 out of the same fund be employed to relieve the king from debt, to pay his expenses, and the charges of the commissioners. This last sum was required without delay. It was therefore borrowed from the barons, clergy, and burgesses, in the proportions of one thousand from the first, six hundred from the second, and four hundred merks from the last order; Sir Robert Erskine and Walter Big-

<sup>1</sup> *Infra festum nativitatis beatæ virginis.* "Proximo futurum apud Edinburgh," viz. 8th September. Robertson's Parliamentary Records, p. 105.



gar, the chamberlain, becoming surety to the burghesses that the debt would be duly paid as soon as the general tax was levied upon the property of the kingdom.'

Such being the unexampled sacrifices which were cheerfully made by the whole nation, for the relief of the king, and the support of the crown, it was natural and just that some reciprocal favours should be granted for the protection of the people. Accordingly, at the request of the three Estates, it was expressly proclaimed, that justice should be administered to the lieges of the realm without favour or partiality, and that whatever writs or letters had been directed from the Chancellery or other court, in the course of the prosecution of any cause or plea, should not be liable to be recalled by the sealed writ of any other officer ; but that the ministers to whom such are addressed were bound to give them full effect, and to return them endorsed to the parties litigant. It was also solemnly stipulated, that no part of the sums collected for the ransom and the expenses of the king, or of his commissioners, should be applied by gift, remission, or otherwise, to any other use ; that the church should be protected in the full enjoyment of their rights and immunities ; and that all opponents to the regular levying of the tithes should be compelled to submit peaceably to their exaction, under the penalty of excommunication, and a fine of ten pounds to the king. Nothing was to be taken from the lieges for the use of the king unless upon prompt payment ; and, even when paid for, the royal officers and pur-

veyors were bound to exact only what was due by use and custom, and not to make the necessity of the king or their own will the rule of their proceeding. The parliament resolved in the next place, that the rebels in Argyle, Athole, Badenoch, Lochaber, and Ross, and all others who had risen up against the royal authority in the northern parts of the kingdom or elsewhere, should be seized forthwith, and compelled to submit themselves to the laws, and to contribute their share in the general contribution; besides being otherwise punished, as appeared best for securing the peace of the community. This brief notice in the Parliamentary Record is the only account which remains of what appears to have been a very serious rebellion of the northern lords, who were encouraged by the present calamitous and distressed state of the kingdom, to throw off their allegiance, at all times precarious, and to refuse to pay their proportion of their contribution for the relief of the kingdom. The principal leaders in this commotion were the Earl of Ross, Hugh de Ross, John of the Isles, John of Lorn, and John de Haye, who positively refused to attend the parliament, and remained in stern independence upon their own estates.

All sheriffs and inferior magistrates, as well within as without burgh, were commanded to obey the chamberlain and other superior authorities, under the penalty of a perpetual removal from their offices. It was specially directed that no barons or knights,

<sup>1</sup> Robertson's Parliamentary Records, p. 105.

travelling through the country with horse or attendants, should permit their followers to insist upon quarters with the inferior clergy, or the farmers and husbandmen, so as to destroy the crops and meadows and consume the grain; that they should duly and justly pay their expenses to the inns where they baited or took up their residence; and that the chamberlain shall take care that, in every burgh, such inns be erected and maintained according to the wealth of the place. No prelate, earl, baron, knight, or other person, lay or clerical, was permitted to ride through the country with a greater following or suite than became their rank; and, under pain of imprisonment, such persons were enjoined to dismiss their bodies of spearmen and archers, unless due cause for the attendance of such a force was shown to the king's officers. All remissions for crimes or offences granted by the king were declared to be null and cancelled, unless the fine was paid within the year from the date of the pardon; and it was finally directed, that these regulations for the good of the state should be reduced to writing under the royal seal, and publicly proclaimed by the sheriffs in their respective counties.<sup>1</sup>

In consequence of the resolutions in this Parliament, an attempt appears to have been made to procure a peace, which, as usual, concluded in disappointment, and only entailed additional expense upon

<sup>1</sup> Robertson's Parliamentary Records, pp. 105, 106. The whole record of this parliament, which has never been published, will be found in the Appendix, letter H.

the country.<sup>1</sup> It was followed by warlike indications upon the part of England. Orders were issued to the Bishop of Durham to fortify Norham, and hold himself in readiness to resist an invasion of the Scots; Gilbert Umfraville was commanded to reside upon his lands in Northumberland; an array was ordered of all fighting men between the ages of sixteen and sixty;<sup>2</sup> and Henry Percy was enjoined to inspect the state of the castles upon the Marches, and in the Anglicised part of Scotland.

It happened, unfortunately for that country, at a time when unanimity and a combination of their utmost strength were absolutely necessary upon the part of the Scottish nobles, that their petty feuds and jealousies should again break out with renewed strength and virulence. During the long captivity of David, and the consequent wild and disorganized state of his dominions, the pride and power of these feudal barons had proceeded to a pitch, destructive of all regular subordination,—they travelled through the country with the pomp and military array of sovereigns; affected the style and title of princes; and, at their will and pleasure, refused to attend the parliament,<sup>3</sup> or to contribute their share to the relief of the king and the people. If offended, they retired to their own estates and castles, where, surrounded by their vassals, they could easily bid defiance to the autho-

<sup>1</sup> *Rotuli Scotie*, vol. i. p. 909. 8th February, 1366.

<sup>2</sup> *Ibid.* vol. i. pp. 909, 910, 911.

<sup>3</sup> Robertson's *Parliamentary Records*, pp. 106, 108, 116.

rity of the laws ; or they retreated into England, to occupy their time in attending tournaments, or in visiting holy shrines ; or travelling, with an array of knights and squires, to various parts of Europe ; where they lavishly wasted, in the service of foreign powers, or adventures of knight-errantry, the blood and treasures which ought to have been spent in securing the independence of their country.<sup>1</sup> Of this idle and unworthy conduct of the Scottish nobility, the Scottish rolls of the Tower furnish us with repeated examples. The Earl of Douglas, one of the most powerful nobles in Scotland, along with the Earl of March, who held the keys of the kingdom on the Borders, and the Earl of Ross, a baron of the most formidable strength in the north, proudly absented themselves from parliament ; and soon after, Douglas, with a retinue of four-and-twenty horse, obtained a safe-conduct from Edward to travel into England, and beyond seas ; whilst his example in deserting his country was imitated by a body of thirteen Scottish clerks and barons, attended by a body of seventy-five horse.<sup>2</sup> In the battle of Nagera in Spain, fought a short time before this, between Edward the Black Prince, and Peter the Cruel, against Henry of Transtamarre, many Scots were in the army of Henry ; and we have already seen that, some time before the same period, there appear to have been frequent emigrations of

<sup>1</sup> *Rotuli Scotiæ*, vol. i. p. 924. 16th October, 1368.

<sup>2</sup> *Ibid.* vol. i. pp. 915, 916. 16th and 26th October, 1367.

Scottish adventurers to join the Teutonic knights in Prussia.<sup>1</sup>

These, however, were not the only distressing consequences attendant on the long captivity of the king. The patrimony of the crown had been grievously dilapidated during the period of misrule and confusion, which, notwithstanding all the efforts of the Steward, succeeded the battle of Durham. It was no longer what it had once been. Its rents and customs ; its duties and its fines ; its perquisites and privileges, had been gradually disused, or silently encroached upon ; and in some instances, its lands had probably been seized, or made the subject of sale or gift ; so that, from the actual want of funds, the king found it difficult to live in Scotland, or to support, as it became him, the expenses of his royal establishment, without a constant and oppressive taxation ; and this, perhaps, is the best excuse, although a very insufficient one, for his frequent visits to England, and long residences in that country. As far back as 1362, we find that David's first queen had been under the necessity of pawning her jewels for debt ; and, only four years after, her royal consort was compelled to adopt the same painful expedient.<sup>2</sup>

This defalcation in the royal revenue amounted at length to a serious grievance ; and a parliament was summoned at Scone, on the 27th of September,

<sup>1</sup> Dillon's History of Peter the Cruel, vol. ii. p. 50.

<sup>2</sup> Compotum Camerarii Scotiæ, pp. 395, 464.

1367,<sup>1</sup> for the purpose of taking the subject into consideration. It was determined that, to defray the expenses of the royal establishment, and to enable the king to live without oppressing the people, the patrimony of the crown must be restored to the condition in which it stood in the time of Robert the Bruce and Alexander the Third; and that all the rents, duties, payments in kind, customs, perquisites and emoluments, with all the reversions, and debts, or fines, which, having accrued to it in the interval between the death of these monarchs and the present day, had been grievously dilapidated, should be forthwith reclaimed. It was declared, with that shortsighted and sweeping spirit of legislation which marks a rude age, and a gross contempt of the rights of third parties;—that if these rents or duties belonging to the crown had been disposed of, by grant, farmed out upon lease, for a tract of years; or, under certain conditions or limitations, had been entirely abolished; or, if the crown-lands had been let, either by the king or his chamberlain, still, such was the urgency of the case, that every thing was, by the speediest possible process, to be restored to it, as if no such transaction had ever taken place; all such leases, limitations, gifts, or private contracts, were pronounced null and void, and the whole patrimony was restored full and entire,

<sup>1</sup> Robertson's Parliamentary Records, p. 108. 27th Sept. 1367. The record of this parliament will be found printed in the Appendix, letter I.

with its ancient servitudes and privileges, into the hands of the king. All lands in ward, all the feudal casualties, due upon the marriage of crown vassals, with the escheats and fines or perquisites of courts, were to remain in the hands of the chamberlain for the king's use ; and if the sovereign was anxious to promote or reward any individual, this was directed to be done out of the movable property of the crown, and with the advice of the privy council. All deeds or charters, by which such dilapidations of the property of the crown had been made, either in the time of Robert Bruce, or of the present king, were ordered by the parliament to be delivered into the exchequer at Perth, to remain in the hands of the chancellor and the chamberlain, and any such deeds not so delivered upon the appointed day, were abrogated, and declared to be of no force or effect in all time coming.<sup>1</sup>

In the same parliament, a wise and salutary regulation was introduced with regard to those lands and estates in Scotland, which, as has been already mentioned, were at this time in the hands of the enemy. It was declared, that, as several large districts in the different counties of the kingdom had long been, and still were, "under the peace" of the King of England, in which there were diverse lands holding in capite of our lord the king, and of which the rightful heirs have remained in Scotland his faithful and liege subjects, it was deemed expedient by the parliament,

<sup>1</sup> Robertson's Parliamentary Records, p. 108.



as soon as the regular forms have been complied with, and such persons found by a jury to be the true and lawful heirs, that they should be entitled to receive letters of sasine to be directed to the sheriffs of the counties where the lands lay, which officers were commanded to give sasine to the true proprietors in their respective courts. Such sasine was pronounced to be in every respect as valid to themselves and their heirs, as if the feudal ceremony had taken place upon the lands themselves ; nor was their possession by the enemy, for however long a period, to operate to the loss or prejudice of their true proprietors.<sup>1</sup>

Still clinging eagerly to the hopes of peace, and well aware from experience, of the evils of a protracted war, the parliament recommended a renewal of the negotiations on this subject, and empowered the king and his privy council to choose commissioners, and to impose a tax for the payment of their expenses, without the necessity of calling a new parliament, and obtaining its sanction for their proceedings.<sup>2</sup> The greater the anxiety, however, which was manifested by the Scots, the less likely was Edward to listen to their representations, or to indulge them so long as they asserted their independence, with any hopes of a permanent peace. Two attempts at negotiation, which were made within the space of a few months, by the same commissioners who had hitherto been so eminently unsuccessful in all their diplomatic under-

<sup>1</sup> Robertson's Parliamentary Records, p. 109.    <sup>2</sup> Ibid. p. 109.

takings, ended in new and more intolerable demands upon the part of Edward, and a determined refusal by the Scottish parliament to entertain them for a moment.<sup>1</sup> This, however, did not prevent the king and his consort from setting out on their usual visit to England. With a retinue of a hundred knights, and a splendid and numerous body of attendants, they travelled to the shrine of St Thomas of Canterbury, and in this foolish parade of pleasure and devotion, incurred a deeper load of debt, at the very time that their poverty had become the subject of parliamentary inquiry, and when they could not venture to visit England without a royal protection from arrest.<sup>2</sup> The sums thus idly thrown away, on their return had to be wrung out of the hard-earned profits of the commercial and labouring classes of the community, in a country already wasted and impoverished by a long war; and it is difficult to find terms sufficiently strong to reprobate such unworthy conduct upon the part of a sovereign, who already owed so much to his people.

The state of Scotland, and the relations between that country and England, at the present period, were of a very extraordinary nature. There was a perpetual amicable correspondence between the merchants of both countries; and a commercial intercourse of unexampled activity, especially upon the part of Scot-

<sup>1</sup> *Rotuli Scotiæ*, vol. i. p. 916, 28th Oct. 1367, and 917; 22d Jan. of the same year. Robertson's *Parliamentary Records*, p. 112.

<sup>2</sup> *Rotuli Scotiæ*, vol. i. p. 917.

land, which was encouraged and protected by Edward; pilgrimages to holy shrines, emigrations of Scottish students to the universities of the sister country, perpetual embassies and negotiations regarding a final peace, appeared to indicate the utmost mutual anxiety to preserve the truce, and an earnest desire that the amity should continue. But much of this was hollow. Orders to the English wardens to strengthen the castles on the marches, to summon the vassals who were bound to give suit and service, to call out the array of all who were able to bear arms between the ages of sixteen and sixty, and repeated commands to the lords marchers to be ready to repel the enemy at a moment's warning, occur in the midst of these pacific and commercial regulations, and give ample proof that a spirit of determined hostility still lurked under all these fair appearances. Yet Edward, from the calamitous circumstances in which the country was placed, had a strong hold over Scotland. The king's extreme unpopularity with the people, the load of personal debt contracted by himself and his queen, and the constant irritation and jealousy with which he continued to regard the High Steward, whom he still kept in prison,<sup>1</sup> rendered any lengthened residence in his own dominions peculiarly unpleasant; and in this manner not only did the breach between

<sup>1</sup> Fordun a Goodal, vol. ii. p. 380. Chamberlain's Accounts, vol. i. p. 498. From these curious and authentic documents we learn, that the expenses of the Steward's maintenance in prison for three weeks, were 5 lb. 13 sh. and of his son Alexander, 21 shill. Ibid. p. 524.

the sovereign, and the barons who supported the cause of independence, become every day wider, but David's anxiety to reside in England, and his unnatural desire to favour the intrigues of Edward, grew into a confirmed passion, which threatened the most fatal effects.

The nation had already been weighed down by a load of taxation which it was little able to bear ; some of the strongest castles and most extensive districts on the marches were possessed by English soldiers ; the northern parts of the kingdom were in actual rebellion ; many of the islands in the western seas were occupied and garrisoned by the English ;<sup>1</sup> and Edward possessed the power of cutting off the only source of Scottish wealth, by prohibiting the commercial intercourse between the two countries. We are not to wonder, then, at the sanguine hopes which this able monarch appears to have entertained, of finally completing the reduction of Scotland, but rather to admire the unshaken perseverance with which, under every disadvantage, this country continued to resist, and finally to defeat, his efforts.

In a parliament held at Scone in the summer of the year 1368,<sup>2</sup> whose spirited rejection of the conditions of subjection and dependence proposed by Edward, has been already alluded to, the rebellion of the northern parts of the kingdom, and the most effectual methods of reducing these wild districts to obedience, were anxiously considered. John of the

<sup>1</sup> Robertson's Parliamentary Records, p. 116.    <sup>2</sup> Ibid. p. 112.

Isles, one of the most powerful of the refractory chiefs, had married a daughter of the Steward of Scotland,<sup>1</sup> who was considered, therefore, as in some measure responsible for his son-in-law; and David, probably not unwilling to implicate this high officer as a disturber of the peace of the kingdom, addressed him in person, and charged him, with his sons the Lords of Kyle and Menteith, to defend his liege subjects within the territories over which their authority extended, and to put down the rebellion which had arisen, that in the event of war, the estates of the kingdom might there have a safe place of retreat; an expression strongly descriptive of the desperate conjuncture to which the affairs of the country were reduced.<sup>2</sup> John of the Isles, Gillespie Campbell, and John of Lorn, were commanded to present themselves before the king, and to give security for their future pacific conduct, so that they and their vassals should no longer alarm and plunder the land, but, along with their equals and neighbours, submit to the labours and the burdens imposed upon them by the laws.

There is something striking and melancholy in the tone of the parliament, where mention is made of the feuds amongst the nobility; and a hopelessness of relief appears in the expressions which are employed, evincing, very unequivocally, how far above the reach of parliamentary remonstrance or command these petty sovereigns had raised themselves. They are

<sup>1</sup> Robertson's Parliamentary Records, p. 115.    <sup>2</sup> Ibid. p. 112.

addressed in the language of advice and entreaty; the absolute necessity of providing for the defence of the kingdom is insisted on; and they are earnestly and somewhat quaintly admonished to compose their feuds and dissensions, or at least to satisfy themselves by disquieting each other in the common way of a process at law. The king is recommended to hold a council with the Earls of March and Douglas, the wardens of the east marches, although, it is added, these barons are little disposed to labour for the common weal. The chamberlain, assisted by a committee of four knights of soldierly talent and experience, was directed to visit, in the first place, the royal castles of Lochleven, Edinburgh, Stirling, and Dumbarton, and to give orders for their being completely repaired, garrisoned, victualled, and provided with warlike engines and other necessities for defence; after which, the remaining castles in the kingdom were to be carefully surveyed, and put into a state of effectual resistance.<sup>1</sup> But the strength and activity in the royal authority, which was absolutely requisite to carry these wise regulations into effect, were at this time pre-eminently wanting in Scotland; and, nine months after this, when the great council of the nation again assembled,<sup>2</sup> the rebellion in the north was still only partially extinguished. John of Lorn and Gillespie Campbell had indeed submitted

<sup>1</sup> Robertson's Parliamentary Records, pp. 112, 113. The record of this parliament, which met at Scone on the 12th June, 1368, will be found in the Appendix, letter L.

<sup>2</sup> Ibid. p. 113. 6th March, 1368.

themselves, and again made their appearance among the higher nobility ; whilst the Earls of Mar and of Ross, with other northern barons, alarmed at last by a sense of the public danger, joined in the deliberations for the national security, and solemnly engaged, for themselves and their vassals, to administer justice, put down oppression, and assist the royal officers and collectors of the revenue within their territories and estates, to the utmost of their power and ability. The Steward of Scotland, also, who attended the parliament in person with his two sons, came under the same obligation for the divisions of Athole, Strathern, Menteith, and other lands in the northern parts of the kingdom ; but John of the Isles proudly refused to submit, and, in the wild and inaccessible domains over which his authority extended, defied the royal power, and insisted that his islanders were not bound to contribute their portion to the public burdens. The truce was now within a single year of its expiry ; and many districts of the country, by the ravages of Border war, and by long neglect of culture, were unable to pay the contributions, upon which its continuance could alone be secured. To prevent the misery of a famine in some places, Edward permitted the distressed inhabitants to purchase the common necessities of life in England ; and, to such a height had the dearth proceeded, that it was found necessary to import from that country, under a royal license, the most ordinary supplies which were required for the use of David's household.<sup>1</sup> Yet, in the midst

<sup>1</sup> Rotuli Scotiae, vol. i. pp. 924. 930.

of this unexampled distress, it was resolved by parliament to make a last effort to discharge the remaining sum of the ransom, by imposing a tax of three pennies in the pound, to be levied generally over the kingdom; and, at the same time, the Bishop of Glasgow and Sir Robert Erskine were dispatched upon a mission to England, for the purpose of negotiating a prorogation of the truce.<sup>1</sup>

It was at this moment, when Scotland seemed to be rapidly sinking under her accumulated distresses, that Providence, by one of those events which alter and over-rule the destiny of nations, again inspired life and hope into the country. Edward, irritated at the contempt evinced by Charles the Fifth for the most solemn articles in the treaty of Bretigny, again plunged into a war with France, in which the successes of Du Guesclin soon convinced him, that a concentration of his whole strength would be absolutely required to restore his affairs in that country to any thing like their former prosperity. Peace to him became now as necessary as to the Scots; and the imperiousness of his demands experienced an immediate relaxation. There was now no longer any mention of those degrading terms of subjection and dismemberment, which had been so indignantly repelled by the Scottish parliament; and the English monarch at last consented to a treaty, by which the truce between the kingdoms was renewed for the space of fourteen years.<sup>2</sup> Fifty-six thousand merks of the

<sup>1</sup> Robertson's Parliamentary Records, p. 114. *Rotuli Scotie*, vol. i. p. 928, 6th April, 1369.

<sup>2</sup> Robertson's Parliamentary Records, p. 116. From 2d Febru-



king's ransom remained still unpaid; and it was agreed that the country should annually transmit to England the sum of four thousand merks till the whole was defrayed. As to the estates in the county of Roxburgh, which were then in possession of English subjects, who claimed them as their lawful inheritance, and the inhabitants of which had come under the peace of the English king, a regulation was made, by which one-half of their rents was to be received by the Scottish proprietors, who had been dispossessed by the superior power of England; while at the same time the lands, with their tenantry and vassals, were to remain in the same state of fealty and obedience to Edward and his heirs in which they now were, and to be justly and loyally governed by the advice and consent of a council of English and Scottish subjects.<sup>1</sup>

Some time before affairs took this favourable turn, the condition of the northern districts, and the conduct of John of the Isles, again called for the serious and immediate interference of government. The Steward had solemnly engaged to reduce the disaffected districts; but, either from want of power or inclination, had failed in his attempt; and David, incensed at the continued refusal of the Islands to contribute their share in the general taxation, and as-

ary to the 24th August, or Purification of the Virgin, 1369; and from that date for fourteen years.

<sup>1</sup> Robertson's Parliamentary Records, p. 116. The letter of the prelates and barons of Scotland, containing the conditions of the truce, is not dated; but it seems to have been written a few days before the 1st of August, 1369. See *Rotuli Scotiæ*, vol. i. p. 934.

suming an unwonted energy of character, commanded the attendance of the Steward, with the prelates and barons of the realm, and, surrounded by this formidable body of vassals and retainers, proceeded against the rebels in person. The expedition was completely successful. The rebel prince, John of the Isles, with a numerous train of those wild Highland chieftains who followed his banner, and had supported him in his attempt to throw off his dependence, met the king at Inverness, and submitted to his authority. He engaged in the most solemn manner, for himself and his vassals, that they should yield themselves faithful and obedient subjects to David, their liege lord; and not only give due and prompt obedience to the ministers and officers of the king in suit and service, as well as in the payment of taxes and public burdens, but that they would coerce and put down all others, of whatever rank or degree, who dared to raise themselves in opposition to the royal authority, and would either compel them to submit, or would pursue and banish them from their territories: for the fulfilment of which obligation, the Lord of the Isles not only gave his own oath, under the penalty of forfeiting his whole principality if it was broken, but offered the High Steward, his father in law, as his security, and delivered his lawful son Donald, his grandson Angus, and his natural son, also named Donald, as hostages for the strict performance of the articles of the treaty.<sup>1</sup>

<sup>1</sup> Robertson's Parliamentary Records, p. 115. The submission of John of the Isles, dated the 15th of November, 1369, will be found printed in the Appendix M.

It is stated, by an ancient historian, that in reducing, within the pale of regular government, and obedience to the laws, the wild Scots and the islanders, who had long resisted all regular and legitimate authority, David employed artifice, as well as force, by holding out high premiums to all those who succeeded, either in slaying, or making captive, their brother chiefs. In a short time, the expectation of reward, and the thirst for power and distinction, implanted the seeds of disunion and war amongst these rebel chiefs, and they gradually wrought out their own destruction; so that, the leaders of the rebellion being cut off, their dominions were easily reduced into a state of quiet and subjection.<sup>1</sup>

Soon after the king's return from an expedition which he had undertaken in the depth of winter, and conducted with great ability and success, a parliament was assembled at Scone, for the purpose of taking into consideration the state of the kingdom, the expenses of the royal household, and the administration of justice to the lieges. In the parliament which had been held at Perth in the preceding year,<sup>2</sup> an expedient had been adopted, apparently for the first time, by which part of the community of Estates were allowed to absent themselves, after they had chosen certain persons amongst the prelates and barons, who might deliver judgment in the pleas of law, and consult upon the general business of the nation. In this parliament, the same measure was

<sup>1</sup> Fordun a Goodal, vol. ii. p. 380.

<sup>2</sup> Robertson's Parliamentary Records, p. 113.

repeated, with greater formality and distinctness. A committee, consisting of six of the clergy, amongst whom were the Bishop of Brechin, the Chancellor, and the Chamberlain John de Carrie, fourteen of the barons, and seven of the burgesses, was appointed to deliberate, and give their judgment, upon all such judicial questions and complaints as necessarily came for decision before the parliament. To a second committee, including in its numbers the clergy and the barons alone, was intrusted the management of certain special and secret affairs touching the king and the nation, which it was not deemed expedient, in the first instance, to communicate to the parliament at large: a dangerous and somewhat despotic innovation upon the freedom of the great council of the nation; indeed had this change been introduced earlier in the present reign, it would have placed an instrument in the hands of the king, and the corrupted part of the nobility, which might have been directed with fatal success against the independence of the country. This second committee consisted of six of the clergy and eleven of the barons, with such other members as the king chose to select; and it was specially ordained, that no person whatever, however high his rank, should be permitted to introduce into the council of parliament, or the privy council, any member as his adviser or assessor, unless such as had been chosen by the general vote of the parliament.

The necessity of this secrecy as to the affairs which came before the committee intrusted with the consideration of the king's debts, was soon apparent, and the object of excluding the representatives of the

royal burghs from this committee could not be mistaken. It was declared, that all the debts of the king, throughout the whole realm, which had been contracted up to the period of the Exchequer Court, held at Perth, at the Epiphany, in the year 1368, were remitted and cancelled ; that from this date, and in all time coming, whatever was borrowed for the ransom or the royal expenses should be promptly paid ; and that no customs, services, or perquisites, should be levied by the king's officers for the aid of the crown, but according to the ancient and established practice of the realm. In this manner, by the very first public act of this partial and unconstitutional committee, were the great principles of good faith most wantonly sacrificed, and the rights of the mercantile classes, who had advanced their money, or sold their goods, for the royal use, trampled upon and outraged, by an act which was as mean as it was unjust.

In the next place, as to the public burdens, an attempt was made, in consequence of the northern parts of the kingdom having been reduced under the king's authority, to equalize the taxation over the whole country. To pacify the dangerous murmurs of the Lowland districts, which produced wool, and paid on every sack a heavy tax to the crown, it was determined, that in those upper counties where this tax was not collected, because sheep had not been introduced,<sup>1</sup> but which abounded in agricultural produce,

<sup>1</sup> Robertson's Parliamentary Records, pp. 109, 113. The exemption in favour of "white sheep" in the taxation by the parliament

the chamberlain should either lay an annual tax upon the crops and farm stocking for the support of the king's household, according to ancient usage, or that the king, at certain fit seasons, should remove his person and court to these Highland districts, and, during his residence there, assess them for his support. The extensive estates, or rather dominions, of John of Lorn, John of the Isles, and Gillespie Campbell, with the territories of Kintyre, Knapdale, and Arran, were the lands where the new regulation was enforced.

It was ordained in this parliament, that no native subject or foreigner, of whatever rank he may be, shall export money, either of gold or silver, out of the country, always excepting such sums as are necessary for the travelling expenses of those who have been permitted to leave the realm, unless he pay forty pennies upon every pound to the king's exchequer; and with regard to those who make a trade of purchasing horses, cows, or other animals for exportation, they were commanded to pay a duty of forty pence upon every pound of the price of the horse, and twelve pence upon the price of all other animals; for which tax the sheriffs and bailies of burghs shall be responsible in their accounts to the king's exchequer. In the event of any contravention of the regulations as to the export of the coin, the person so offending was fined twenty shillings upon every penny of the duty which he had eluded; a strict investigation was

of 20th July, 1366, (Robertson's Parliamentary Records, p. 105) was intended probably, as an encouragement to the introduction of a new breed.

ordained to be made of all such defaulters, in order that the quantity of coin which had been carried out of the kingdom might be accurately determined ; and they were directed to be tried by indictment before the Justiciar : as grievous complaints had proceeded, from every county in the kingdom, against the malversation and extortion of the mairs, sergeants, and other officers of the crown ; and such grave and weighty accusations had even been made to the king in person, it was judged expedient to adopt some decided measures against this evil. Accordingly, orders were given to the justiciars and chamberlains, in their several counties, to cause all persons who, since the period of the king's captivity, had enjoyed these offices, whether they held their situations by fee, or as substitutes, or for a limited time, to appear before them on a certain day, previous to the conclusion of the present parliament, when an investigation was to be made, before the three Estates, of the exact amount of the loss which the king had sustained by their malversation. All who were in this manner detected of such base practices, were ordered to be imprisoned, and to lose their offices for the whole period of their lives.<sup>1</sup> The justiciars, sheriffs, and other inferior judges, were strictly commanded not to give execution to any mandate under any seal whatever, not excepting the great or the privy seal, if such mandate is contrary to the law of the realm : an order indicating a very corrupted state of public justice ; and the merchants and burgesses

<sup>1</sup> Robertson's Parliamentary Records, pp. 117, 118.

were enjoined not to leave the kingdom without license from the king or the chamberlain.

Such were the only important regulations which were passed in this parliament, the last which was held by David the Second.<sup>1</sup> The same year was rendered remarkable by the divorce of the queen; an incident, of which the private history is involved in much obscurity. She was beautiful, and apparently fond of admiration. The little we know of her private life proves her to have been expensive, and addicted to costly pilgrimages, in which she was accompanied with a gallant retinue of knights and attendants; expeditions, in those times, undertaken for the purposes of pleasure and intrigue, rather than devotion. She appears, also, to have been ambitious to interfere in the public affairs of the kingdom; and we have seen that, not long before this, her influence persuaded the king to cast the Steward and his sons into prison. Nothing, however, can be more dark or unsatisfactory than the only notice of this singular event which remains to us; and, unfortunately, the public records throw no light upon the transaction. The sentence of divorce was pronounced in Lent; but the queen, collecting all her wealth, found means to convey herself and her treasure, with great privacy, on board a vessel in the Forth, in which she sailed for France, and carried her appeal in person to the Papal Court then at Avignon. Her gold obtained for her a willing ear with his holiness; nor was the king,

<sup>1</sup> 18th February, 1369.



who sent his envoys for the purpose to the court of the Pope, able to counteract the favourable impression. The cause disturbed the kingdom; and was so bitterly contested, that an interdict began to be threatened, when the fair appellant died herself, on her journey to Rome.<sup>1</sup> What became of the process, or what judgment was ultimately pronounced, cannot now be discovered; but, so late as the year 1374, Robert the Second considered the cause of such moment, that he dispatched an embassy to Charles the Fifth of France, soliciting that prince to use his influence, with the Pope and cardinals, to obtain a favourable decree.<sup>2</sup>

Immediately after the divorce, the High Steward and his sons were liberated from prison, and restored to favour; while the king, whose life had been devoted to pleasure, began to think of his sins, and, in the spirit of the age, to meditate an expedition to the Holy Land. For this purpose, he assembled at his court, and in every way favoured and encouraged, the bravest knights of his time, declaring it to be his intention to appoint a regency, and depart for Palestine, with the purpose of spending the

<sup>1</sup> Fordun a Goodal, vol. ii. p. 380.

<sup>2</sup> Robertson's Index to the Charters, p. 100. No. 4. When at Avignon, Margaret Logy borrowed 500 merks from three English merchants, one of whom was William of Walworth,—in all probability the same person who afterwards became mayor of London, and stabbed Wat the Tyler. *Fœdera*, vol. vi. p. 727. She is mentioned as the quondam Queen of Scotland in the Chamberlain's Accounts, vol. i. p. 521.

remainder of his life in war against the Infidels. But, in the midst of these vain dreams of chivalry and superstition, a mortal illness seized upon him, which baffled all human skill, and he died in the castle of Edinburgh, on the 22d of February, 1371, in the forty-seventh year of his age, and the forty-second of his reign.

It is painful to dwell on the character of this prince; who was, in every respect, unworthy of his illustrious father. It happened, indeed, unfortunately for him, that he was promoted to the throne when almost an infant; and not only lost the advantage of paternal instruction and example, but, by the early death of Douglas and Randolph, was deprived of the only persons who might have supplied the place of a father; whilst his long exile in France, and a captivity of eleven years, rendered him almost a stranger to his people. Had there, however, been any thing great or excellent in David Bruce, he would have surmounted these disadvantages; yet we look in vain for a noble, or even a commendable, quality; whilst the darker parts of his disposition are prominently marked. He was uniformly actuated by a devotion to his own selfish pleasures, and a reckless disregard of all those sacred and important duties which a king owes to his people. His understanding was one of very limited and moderate power; and, while he formed his opinions upon hasty and superficial views, he was both obstinate in adhering to them when evidently erroneous, and capricious in abandoning them before they were proved to be ill-founded. The bat-

tle of Durham, with his own captivity, and the long train of calamities which it entailed upon the nation till the conclusion of his reign, were the fruits of his obstinacy ; the inconsistent wavering and contradictory line of policy, which is so strikingly discernible in his mode of government after his return, was the fatal effect of his passion and caprice : personal courage and intrepidity he undoubtedly possessed. It was the solitary quality which he inherited from his father ; and of this he gave a memorable proof, in his proposal to alter the order of succession in favour of an English prince,—a measure of singular baseness and audacity.

It is this that forms the darkest blot upon his memory. His love of pleasure, and devotion to beauty, will find an excuse in many hearts ; his extravagance may be called kingly, even when supported by borrowed money : but it can never be palliated or forgotten, that he was ready to sacrifice the independence of the kingdom to his love of his own personal liberty, and his animosity against the Steward,—that the most solemn oaths, by which he was bound to his people, were lightly regarded, when brought in competition with these selfish and sordid passions. Such a monarch as this, who, at the mature age of forty-seven, evinced no real symptoms of amendment, was little likely to improve in his latter years ; and it is humiliating to think, that the early death of the only son of Robert the Bruce must have been regarded as a blessing, rather than a calamity, by his country.

A  
**HISTORICAL ENQUIRY**

INTO THE

**ANCIENT STATE OF SCOTLAND;**

EMBRACING PRINCIPALLY THE PERIOD

FROM THE ACCESSION OF ALEXANDER THE THIRD  
TO THE DEATH OF DAVID THE SECOND.



## CHAP. III.

### ANCIENT STATE OF SCOTLAND.

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HAVING brought this work down to the great era of the accession of the house of Stewart, in the occupation of the throne by Robert the Second, I propose to pause for a short time, in order to cast our eye over the wide field through which we have travelled, and to mark, as fully as our imperfect materials will permit, the progress of the nation in some of those great subjects which form the body of its civil history. The general features and appearance of the country; its agriculture, commerce, and manufactures; the manners and amusements, the superstitions and character, of the people; the system of feudal government under which they lived; their progress in the arts, which add comfort, or security, or ornament to life; the character of their literature; are subjects upon which our curiosity is naturally active and eager for information; but it is unfortunate that the writers, who can alone be considered as authentic, have regarded such investigations as either un-

interesting, or beneath the dignity of the works in which they had engaged. Some lights, however, are to be found scattered through their works, or reflected from the public muniments and records of the times ; and it is to the guidance of these, however feeble and imperfect, that the historian can alone commit himself.

It must necessarily happen that, in an attempt of this kind, owing to the paucity of materials, and to the extreme remoteness of the period, any thing like a full account of the country is unattainable ; and that it is exceedingly difficult to throw together, under any system of lucid arrangement, the insulated facts which have been collected. I have adopted that order which appears the most natural.

## SECTION I.

## GENERAL APPEARANCE OF THE COUNTRY.

WE must be careful not to permit the ideas which are derived from the condition of Scotland in the present day, to influence our conclusions as to its appearance in those rude and early ages of which we have been writing. No two pictures could be more dissimilar than Scotland in the thirteenth and fourteenth, and Scotland in the nineteenth century. The mountains, indeed, and the rivers, are stern and indomitable features of nature, upon which the hand of man can introduce but feeble alterations; yet, with this exception, every thing was different. The face of the country was covered by immense forests chiefly of oak, in the midst of which, upon the precipitous banks of rivers, or on rocks which formed a natural fortification, and were deemed impregnable by the military art of that period, were placed the castles of the feudal barons. One principal source of the wealth of the proprietors of these extensive forests consisted in the noble timber which they contained, and the deer and other animals of the chase with which they abounded. When Edward I. subdued and overran the country, we find him in the constant practice of repaying the services of those who submitted to his



authority, by presents of so many stags and oaks from the forests which he found in possession of the crown. Thus, on the 18th of August, 1291, the king directed the keeper of the Forest of Selkirk to deliver thirty stags to the Archbishop of St Andrews, twenty stags and sixty oaks to the Bishop of Glasgow, ten to the High Steward, and six to Brother Brian, Preceptor of the Order of Knights Templars in Scotland.<sup>1</sup>

To mark the names, or define the exact limits of these huge woods, is now impossible; yet, from the public records, and the incidental notices of authentic historians, a few scattered facts may be collected.

In the north, we find the forest of Spey,<sup>2</sup> extending along the banks of that majestic river; the forests of Alnete, and of Tarnaway, of Awne, Kilblene, Langmorgan, and of Elgin, Forres, Lochindorb, and Inverness.<sup>3</sup> The extensive county of Aberdeen appears to have been covered with wood. We meet there with the forests of Kintore, of Cardenache, Drum or Drome, Stocket, Killanal, Sanquhar, Tulloch, Gasgow, Darrus, Collyn, and what is called the New Forest of Innerpeffer.<sup>4</sup> In Banff was the forest of Boyne; in Kincardine and Forfar the forests

<sup>1</sup> *Rotuli Scotiæ*, vol. i. p. 3. 18th August, 1291.

<sup>2</sup> *Ibid.* vol. i. p. 5. Anno 1291. m. 11.

<sup>3</sup> *Ibid.* p. 9. Robertson's Index to the Charters, pp. 32, 35, 42. Rolls of Parliament, ii. 469, quoted in *Caledonia*, vol. i. p. 792, Fordun a Hearne, p. 1027.

<sup>4</sup> Robertson, pp. 23, 33, 38, 58, 71, 72, also *Rotuli Scotiæ*, in anno 1292, p. 10. Chamberlain's Accounts. *Compot. vice Comitibus Aberdein*, p. 298.

of Alyth, Drymie, and Plater;<sup>1</sup> in Fife, those of Cardenie and Uweth;<sup>2</sup> in Ayrshire, the forest of Senecastre;<sup>3</sup> in the Lowlands, those of Drumselch,<sup>4</sup> near Edinburgh, of Jedburgh, and Selkirk, Cottenshope, Maldesley,<sup>5</sup> Ettrick, and Peebles; of Dolar, Traquhair, and Melrose.<sup>6</sup>

The counties of Stirling and Clackmannan contained extensive royal forests, in which, by a grant from David I. the monks of Holyrood had the right of cutting wood for building and other purposes, and of pasture for their swine.<sup>7</sup> In the reign of the same king, a forest covered the district between the Leader and the Gala; and in Perthshire, occupied the lands between Scone and Cargil.<sup>8</sup> Immense tracts which, in the present day, are stretched out into an interminable extent of naked and desolate moor, or occupied by endless miles of barren peat hags, were, in those early ages, covered by noble forests of oak, ash, beech, and other hard timber. Huge knotted trunks

<sup>1</sup> Robertson's Index, pp. 39, 55, 67, and *Rotuli Scotiæ*, p. 8.

<sup>2</sup> Robertson, p. 47. *Cartulary Dunferm.* f. 12 and 20.

<sup>3</sup> *Cartulary of Paisley*, p. 46, in *Caledonia*, 793.

<sup>4</sup> *Caledonia*, p. 793.

<sup>5</sup> Chamberlain's Accounts. *Rotuli Comp. Temp. Custod. Regni*, p. 62.

<sup>6</sup> *Rotuli Scotiæ*, in anno 1296. vol. i. p. 33. *Ibid.* p. 3, 278, 380. *Ibid.* p. 748. *Cartulary of Dunferm.* p. 10. *Rotuli Scotiæ*, p. 7. and Fordun, p. 1048. Robertson, p. 81. *Chron. Melrose*, ad ann. 1184, quoted in Dalziel's *Fragments*, p. 32. *Cartulary of Kelso*, p. 323. *Caledonia*, p. 798.

<sup>7</sup> *Caledonia*, p. 792.

<sup>8</sup> *Cart. Melross.* p. 104. *Cart of Scone*, p. 16.

of black oak, the remains of these primitive woods, have been and are still discovered in almost every moor in Scotland. Such, indeed, was, at an early period, the extent and impervious nature of these woods, that the English, in their invasions, endeavoured to clear the country by fire and by the hatchet ; and Knighton relates, that in an expedition of the Duke of Lancaster into this country, in the reign of Richard the Second, this prince, having recourse to these methods, employed in the work of destruction so immense a multitude, that the stroke of eighty thousand hatchets might be heard resounding through the forests, whilst the fire was blazing and consuming them at the same moment.<sup>1</sup> So utterly erroneous is the opinion of one of those conjectural historians, who pronounces that there is little reason to think that in any age, of which an accurate remembrance is preserved, this kingdom was ever more woody than it is now.<sup>2</sup>

In the times of which we write, however, many districts in the midst of these forests had been cleared of the wood, and brought under cultivation. Thus, in the Forest of Plater, in the county of Forfar, David the Second, in 1366, made a grant of four oxgangs of arable land for a reddendo of a pair of white gloves, or two silver pennies, to Murdoch del Rhynd.<sup>3</sup> In the same forest, the monks of Restennet, at the death of Alexander the Third, enjoyed the tenth of

<sup>1</sup> Knighton apud Twysden, vol. ii. p. 2674. Barbour's Bruce, p. 323.

<sup>2</sup> Wallace on the Nature and Descent of Peerages, p. 35.

<sup>3</sup> Robertson's Index, p. 81.

the hay made in its meadows;<sup>1</sup> and in 1362, the king permitted John Hay of Tullyboll to bring into cultivation, and appropriate, the whole district lying between the river Spey and the burn of Tynot, in the Forest of Awne.<sup>2</sup> From these facts it may be inferred, that the same process of clearing away the wood, and reducing large districts of the forests into fields and meadow lands, had been generally pursued throughout the country.<sup>3</sup> It was a work, in some measure, both of peril and necessity; for savage animals abounded as much in Scotland as in the other uncleared and wooded regions of northern Europe; and the bear, the wolf, the wild boar, and the bison, to the husbandmen and cultivators of those rude ages, must have been enemies of a very destructive and formidable nature.<sup>4</sup>

Another striking feature in the aspect of the country during those early ages was formed by the marshes or fens. Where the mountains sunk down into the plain, and the country stretched itself into a level, mossy fens of great extent occupied those fertile and beautiful districts which are now drained and brought under cultivation.<sup>5</sup> Within the inaccessible windings of these morasses, which were intersected by roads known only to the inhabitants, Wallace and Bruce, during the long war of liberty, frequently defended themselves, and defied the heavy-armed English ca-

<sup>1</sup> MS. Monast. Scotiæ, p. 31, quoted in *Caledonia*, vol. i. p. 798.

<sup>2</sup> Robertson's *Index*, p. 71.

<sup>3</sup> Chamberlain's *Accounts*. Rotuli, Compot. Temp. Cust. Regni, p. 63.

<sup>4</sup> Dalzel's desultory reflections on the State of Ancient Scotland, pp. 32, 33.

<sup>5</sup> Trivet's *Annales*, p. 316.

valry;<sup>1</sup> and it is said, that from lying out amidst these damp and unhealthy exhalations, Bruce caught the disease of which he died.

The royal castles must have presented an additional and imposing feature in the external appearance of the country at this period. Built chiefly for strength and resistance during a time of war, these fortresses were the great garrisons of the country, and reared their immense walls, and formidable towers and buttresses in those situations which nature had herself fortified, and where little was to be done by man, but to avail himself of the power already placed in his hand. In the year 1292, when Edward, after his judgment in favour of Baliol, gave directions to his English captains to deliver the royal castles into the hands of the new king, we find these to have been twenty-three in number. On the Borders were the castles of Jedburgh, Roxburgh, and Berwick; those of Dumfries, Kirkcudbright, Wigton, Ayr, Tarbart,<sup>2</sup> Dumbarton and Stirling, formed a semicircle of fortresses which commanded the important districts of Annandale, Galloway, Carrick, Kyle, Lanark, and the country round Stirling, containing the passes into the Highlands. Between Stirling, Perth, and the Tay, there was no royal castle, till we reach Dundee, where Brian Fitz-Alan commanded; after which the castles of Forfar, Kincardine, and Aberdeen, protected and kept under the counties of Perth, Angus, Kin-

<sup>1</sup> Palgrave's Parliamentary Writs, Chronological Abstract, p. 76. Walsingham, p. 78. Barbour, pp. 110, 151.

<sup>2</sup> Chamberlain's Accounts, p. 9.

cardine, and Aberdeen ; and travelling still farther north, we find the castles of Cromarty, or Crumbarthyn, Dingwall, Inverness, Nairn, Forres, Elgin, and Banff, which, when well garrisoned, were deemed sufficient to maintain the royal authority in those remote and unsettled districts.<sup>1</sup>

Such were the royal castles of Scotland previous to the war of liberty ; but it was the policy of Bruce, as we have seen, to raze the fortresses of the kingdom, wherever they fell under his power ; whilst on the other hand, Edward, in his various campaigns, found it necessary to follow the same plan which had been so successful in Wales, and either to construct additional fortresses, for the purpose of overawing the country, or to strengthen, by new fortifications, such baronial castles as he imagined best situated for his design. In this manner the architecture of the strong Norman castles, which had already been partially introduced by the Scoto-Norman barons, was more effectually taught by their formidable enemy to the Scots, who profited by the lesson, and turned it against himself. It not unfrequently happened, that the siege of a baronial castle detained the whole English army for weeks, and even months, before it ; and although feebly garrisoned, that the single strength of its walls resisted and defied the efforts of Edward's strongest machines, and most skilful engineers. To enumerate or to point out the situation of the baronial castles which at this early period formed the residences of the feudal nobility and their vassals, would

<sup>1</sup> Rotuli Scotiae, vol. i. pp. 11, 12.

be almost impossible. They raised their formidable towers in every part of the kingdom, on its coasts and in its islands, on its peninsulas and in its lakes, upon the banks of its rivers, and on the crests of its mountains; and many of those inhabited by the higher nobility rivalled, and in their strength and extent sometimes surpassed, the fortresses belonging to the king.<sup>1</sup>

In the year 1309, when the military talents of Bruce had wrested from England nearly the whole of the royal castles, we find Edward the Second writing earnestly to his principal officers in Scotland, directing them to maintain their ground to the last extremity against the enemy; and it is singular that, with the exception of Edinburgh, Stirling, Dumfries, and Jedburgh, the posts which they held, and which are enumerated in his order, are all of them private baronial castles, whose proprietors had either been compelled by superior force, or induced by selfish considerations to embrace the English interest. In his letters are mentioned the castle of Kirkintulloch, between Dumbarton and Stirling; Dalswynton in Galloway, a principal seat of the Comyns; Karlaverock, belonging to the Maxwells; Thybres or Tibris Castle, also in Galloway; Lochmaben, in Annandale, the seat of the Bruces; Butil, the property of the Steward; Dunbar, a strong and magnificent castle,

<sup>1</sup> Fordun, in speaking of the death of Edward the First, asserts, that within six years of that event, Bruce had taken and cast down a hundred and thirty-seven castles, fortalices, and towers. Fordun a Goodal, vol. ii. p. 240.

one of the keys of the kingdom, by which the potent Earls of March commanded so much influence in an age of war and invasion ; Dirlton, also of great extent, and possessed by the Norman race of the De Vaux ; Selkirk, at that time in the hands of Aymer de Valence Earl of Pembroke ; and Bothwell, a castle at various times the property of the Olifards, Morays, and Douglasses.<sup>1</sup> Innumerable other castles and smaller strengths, from the seats of the highest earls, whose power was almost kingly, down to the single towers of the retainer or vassal, with their low iron-ribbed door, and loop-holed windows, were scattered over every district in Scotland ; and even in the present day, the traveller cannot explore the most unfrequented scenes, and the remotest glens of the country, without meeting some grey relic of other days, reminding him that the chain of feudal despotism had there planted one of its thousand links, and around which there often linger those fine traditions, where fiction has lent her romantic colours to history. In the vicinity of these strongholds, in which the Scottish barons of the thirteenth and fourteenth centuries held their residence, there was cleared from wood as much ground as was necessary for the support of that numerous train of vassals and retainers, which formed what was termed the “ following ” of their lord, and who were supported in a style of rude and abundant hospitality. The produce of his fields and forests, his huge herds of swine, his flocks and cattle, his gra-

<sup>1</sup> *Rotuli Scotiæ*, vol. i. p. 80.



naries and breweries, his mills and malting houses, his dovecots, gardens, orchards, and "infield and outfield" wealth, all lent their riches to maintain those formidable bands of warlike knights and vassals, who were ready on every summons, to surround the banner of their lord. Around these castles, also, were placed the rude habitations and cottages belonging to the more immediate servants and inferior dependents of the baron, to his armourers, tailors, wrights, masons, falconers, forest-keepers, and many others, who ministered to his necessities, his comforts, or his pleasures. It happened, too, not unfrequently, that, ambitious of the security which the vicinity of a feudal castle ensured, the free farmers or opulent tradesmen of those remote times requested permission to build their habitations and booths near its walls, which, for payment of a small rent, was willingly allowed; and we shall afterwards have occasion to remark, that to this practice we perhaps owe the origin of our towns and royal burghs in Scotland. It appears, also, from the authentic evidence of the Cartularies, that at this period, upon the large feudal estates belonging to the nobles or to the church, were to be found small villages, or collections of hamlets and cottages, termed *Villæ* in the charters of the times, annexed to which was a district of land called a *Territorium*.<sup>1</sup> This was cultivated in various proportions by the higher ranks of the husbandmen, who possessed it, either in part or in whole, as their own property, which they held by

<sup>1</sup> MS. Cartulary of Melrose, pp. 21, 22. Cartulary of Kelso, pp. 254, 255.

lease, and for which they paid a rent,<sup>1</sup> or by the villeyns and cottars, who were themselves, in frequent instances, as we shall immediately see, the property of the lord of the soil. Thus, by a similar process, which we find took place in England under the Normans, and which is very clearly to be traced in Domesday Book, the greater feudal barons were possessed not only of immense estates, embracing within them field and forest, river, lake, and mountain, but of numerous and flourishing villages,<sup>2</sup> for which they received a regular rent, and of whose wealth and gains they always held a share, because they were frequently the masters of the persons and property of the tradesmen and villeyns, by whom such early communities were inhabited. In these villages the larger divisions, under the names of caracutes, bovates, or oxgates, were cultivated by the husbandmen, and the cottars under them, while, for their own maintenance, each of these poor labourers was the master of a cottage, with a small piece of ground, for which he paid a trifling rent to the lord of the soil.<sup>3</sup>

<sup>1</sup> Cartulary of Kelso, p. 257, in 1258. Ibid. pp. 312, 317.

<sup>2</sup> Henshall's *Specimens and Parts of a History of South Britain*, p. 64. In the small part of this valuable work which has been published, and which it is deeply to be regretted was discontinued by the author from want of encouragement, a clear and excellent view is given of the state of England under the Normans, founded on an accurate examination of the original record of Domesday Book.

<sup>3</sup> Cartulary of Kelso, p. 477. In the same MS. there is a Donation, in 1307, by Nicholas dictus Moyses de Bondington, "*Cotagii cum orto quod Tyock Uxor Andree quondam tenerit de me in villa de Bondington.*"

It happened not unfrequently, that the high ecclesiastics, or the convents and religious houses, were the proprietors of villages, from whose population there was not exacted the same strict routine of military service, which was due by the vassals of the temporal barons ; and the consequences of this exemption were seen in the happier and more improved condition of their husbandmen and villeyns, and in the richer cultivation of their ample territories. A great portion of the district attached to these villages was divided into pasture-land and woodland, in which a right of pasturage, for a certain number of animals, belonged to each of the villagers or husbandmen in common. It is from the information conveyed in the Cartularies that the condition of these early villages is principally to be discovered.<sup>1</sup>

Thus, for example, in the village of Bolden, in Roxburghshire, which belonged to the monks of Kelso, in the latter part of the reign of Alexander the Third, there were twenty-eight husbandmen, who possessed each a husbandland, with common pasture ; for which he paid a rent of six shillings and eightpence, besides various services which were due to the landlord. There were, in the same village, thirty-six cottagers each of whom held nearly half an acre of arable land, with a right of common pasture. The united rent paid by the whole cottagers amounted to fifty-five shillings ; in addition to which, they were bound to perform certain services in labour. To the village there was attached a mill, which gave a rent of eight merks ;

<sup>1</sup> Rotulus Reddituum Monasterii de Kalchow. Cartulary of Kelso, p. 475.

and four brew-houses, each of them let for ten shillings, with an obligation to sell their ale to the abbot at the rate of a lagen and a half for a penny.<sup>1</sup> These villages, of course, varied much in extent, in the number of their mansions, and the fertility of their lands; whilst the greater security, resulting from the increasing numbers, and the wealth of the inhabitants, became an inducement for many new settlers, from different parts, to join the community, and plant themselves under the protection of the lord of the soil. This emigration, however, of the cottars or villeyms from one part of the country, or from one village to another, could not be legally effected, without the express consent of the master to whom they belonged. A fact, of which we shall be convinced, when we come to consider the condition of the great body of the people in those early ages.

To one casting his eye over Scotland, as it existed during the thirteenth and fourteenth centuries, the numerous religious establishments, the cathedrals, convents, monasteries, and episcopal palaces, must have formed another striking feature in the external aspect of the country. Situated always in the richest, and not unfrequently in the most picturesque, spots, and built in that imposing style of Gothic architecture, which is one of the greatest triumphs of the Middle Ages, these noble structures reared their holy spires, and antique towers, in almost every district through which you travelled; and your approach to them could commonly be traced by the high agri-

<sup>1</sup> Cartulary of Kelso, pp. 478, 479. See Appendix, letter N.

cultural improvements which they spread around them. The woods, enclosed and protected, were of loftier growth; the meadows and cornfields richer, and better cultivated; the population inhabiting the church-lands more active, thriving, and industrious than in the lands belonging to the crown, or to the feudal nobility.

To give any correct idea of the number, or the opulence, of the various episcopal and conventual establishments which were to be found in Scotland at this remote era, would require a more lengthened discussion than our present limits will allow. Besides the bishopricks, with their cathedral churches, their episcopal palaces, and the residences of the minor clergy, which were attached to them, our early monarchs, and higher nobility, in the superstitious spirit of the age, encouraged those various orders of regular and secular churchmen, which then swarmed over Europe. The Canons Regular of St Augustine, who were invited into Scotland by Alexander the First, and highly favoured by David, had not less than twenty-eight monasteries; the Cisterians or Bernardine monks, who were also very warmly patronised by David, possessed thirteen; and the Dominican or Black Friars fifteen monasteries, in various parts of the country. Although these orders were the most frequent; yet numerous other divisions of canons, monks, and friars, obtained an early settlement in Scotland; and erected for themselves, in many places, those noble abbacies, priories or convents, whose ruins, at the present day, are so full of

picturesque beauty, and interesting associations. The Red Friars, an order originally instituted for the redemption of Christian slaves from the Infidels, possessed eight monasteries; the Præmonstratensian Monks, who boasted, that the rule which they followed was delivered to them in a vision by St Augustine, and written in golden letters, were highly favoured by David the First, Alexander the Second, and Fergus, Lord of Galloway. The Tyronensian and Clunacensian Monks; the Templars; the Franciscans, and the Carmelites, had all of them establishments in Scotland; whilst the Augustinian, the Benedictine, and the Cistercian Nuns, were also possessed of numerous rich and noble convents; which, along with the hospitals, erected by the charity of the Catholic church, for the entertainment of pilgrims and strangers, and the cure and support of the sick and infirm, complete the catalogue of the religious establishments of Scotland during the thirteenth and fourteenth centuries.<sup>1</sup>

Although covered, in many places, with huge and impenetrable woods and marshes, the country, around the monasteries and religious houses, or adjoining to the castles of the nobles, and to the great towns, royal burghs, and villages, in the reign of Alexander the Third, and previous to the destructive wars which succeeded his death, appears to have been in a state of considerable cultivation. Even during the wars of the three Edwards; when we take

<sup>1</sup> Account of the religious houses in Scotland. Keith's Catalogue of the Bishops, p. 235.

into view the dreadful disadvantages against which it had to struggle, the agriculture of Scotland was very respectable.

The Scottish kings possessed royal manors in almost every shire, which were cultivated by their own free tenants and their villeyns; and to which, for the purpose of gathering the rents, and consuming the agricultural produce, they were in the custom of repairing, in their progresses through the kingdom. This fact is established, by the evidence of the Cartularies, which contain frequent grants, by David the First, William the Lion, and the two Alexanders, to the convents and religious houses, of various kinds of agricultural produce to be drawn from the royal manors, and the same truth is as conclusively made out by the original accounts of the great chamberlains of Scotland.<sup>1</sup> David, for example, granted, to the monks of Scone, the half of the skins, and the fat of all the beasts, which were killed for the king's use, on his lands to the north of the Tay; and the half of the skins and hides of all the beasts slain, upon festival days, at Stirling, and on his manors between the Forth and the Tay.<sup>2</sup> Innumerable charters, by his successors, to the various monasteries and religious houses in the kingdom, evince the generosity or superstition of our monarchs, and the extent of their royal demesnes. Scarcely less numerous, and upon a scale not greatly

<sup>1</sup> Of these accounts, which contain a body of information upon the civil history of Scotland, unrivalled in authenticity, and of the highest interest, a short notice will be found in the Appendix, letter A.

<sup>2</sup> Cartulary of Scone, pp. 2, 6, 8.

inferior to those of the king, were the extensive feudal estates belonging to the religious houses, to dignified clergy, and to the magnates, or higher barons of Scotland; who granted charters of lands to their own military vassals and retainers, or by leases, to other more pacific tenants, upon whom they devolved the agricultural improvement of their domains. Thus, for example, we find, in the Cartulary of Kelso, that the monks of this rich religious house granted to the men of Innerwick, in the year 1190, a thirty-three years lease of certain woods and lands, for the annual rent of twenty shillings; which was approved of by Alan, the son of Walter the Steward, to whom the men of Innerwick belonged.<sup>1</sup>

The clergy, whose domains, chiefly from the liberal and frequent endowments of David the First, and his successors, were, at this period, amazingly rich and extensive, repaid this profusion, by becoming the great agricultural improvers of the country. From them those leases principally proceeded, which had the most beneficial effect in clearing it from wood, and bringing it under tillage. In 1326, the abbot of Scone granted a lease, for life, of his lands of Gilmerland to Andrew de Striveleyn. Henry Whitwell received from the Abbot of Kelso a lease, for life, of all the lands belonging to this monastery in Dumfriesshire, for which the yearly rent was twelve shillings; and numerous other instances might be brought forward. It was in this manner that there was gradual-

<sup>1</sup> Cartulary of Kelso p. 247. Caledonia, vol. i. p. 794.



ly introduced and encouraged in the country a body of useful improvers, who were permitted, from the pacific character of their landlords, to devote their time much more exclusively to agricultural improvement than the vassals or tenants of the barons.<sup>1</sup>

The system of agriculture pursued at this early period, must have been exceedingly rude and simple in its details; and although it is difficult to point out the exact mode of cultivation, yet some information with regard to its general character, and the crops then raised in the country, may be found in the scattered notices of contemporary historians, and in the records and muniments of the times. Oats, wheat, barley, pease and beans, were all raised in tolerable abundance. Of these by far the most prevalent crop was oats. It furnished the bread of the lower classes; and the ale which they drank was brewed from malt made of this grain. In the innumerable mills which are mentioned in the Cartularies, immense quantities of oats were ground into meal; and at the various malt kilns and breweries, which we find attached throughout the same records to the hamlets and villages, equally large proportions of oats were reduced into malt and brewed into ale. In the wardrobe accounts of Edward the First for the years 1299 and 1300, large quantities of oat malt, furnished to his different garrisons in Scotland, form some of the principal items of expenditure. In the same inte-

<sup>1</sup> Cartulary of Scone, p. 32. Cartulary of Kelso, p. 329. Chamberlain's Accounts, vol. i. pp. 5, 12, 22. Cartulary of Inchcolm, p. 31.

resting and authentic record we find that Edward's cavalry, in their return from Galloway, on the 31st of August, 1300, destroyed, in their march through the fields, eighty acres of oats upon the property of William de Carlisle, at Dornock, in compensation of which the king allowed him two hogsheads of wine.<sup>1</sup> It appears in the same series of accounts that Edward bought his oats, and oat malt to be brewed for the army, at various rates, extending from twentypence to three shillings per quarter. From the multitudes of brew-houses with which every division of the kingdom appears to have been studded, from the royal manufactories of ale down to those in the towns, burghs, baronies, and villages, it is evident that this beverage must have been consumed in very great quantities. Although oats was the principal grain raised in Scotland, yet wheat was also cultivated to a considerable extent, chiefly by the higher orders; throughout the south and east districts of the country, wheaten bread was principally used at their tables; and the quantities of this grain which the Cartularies show to have been ground in the mills, evince the consumption to have been very considerable. When Edward, in the year 1300, invaded Galloway, we find, by the wardrobe account of that period, that he purchased large quantities of wheat, which was exported from Kirkcudbright to Whitehaven, and other ports in Cumberland. It was there ground, and the flour sent back to supply the English garrisons in Galloway and Ayr. In the wardrobe account of the same monarch,

<sup>1</sup> Liber Cotidianus Garderobæ Edwardi I., p. 126.

for the year 1299, it is stated that unground pease, for the use of the English garrisons, were furnished at the rate of two shillings and ninepence, and beans for the horses at four shillings and sixpence, the quarter. In addition to these crops, extensive districts of rich natural meadow, with the green sward which clothed the forest glades, furnished grass, which was made into hay, and, with all other agricultural produce, paid its tithe to the clergy. The fields, the mountain grazings, and the forests, were amply stocked with cows, sheep, and large herds of swine,<sup>1</sup> which fed on the beech mast. These last formed the staple animal food of the lower classes; for even the poor bondman or cottager seems to have generally possessed, in the territorium of the village where he lived, a right of common pasture for a sow and her pigs. Another rich and important part of the stocking of the farms and the forests of those times consisted in the numerous horses which were reared by their baronial proprietors. We learn from the Cartularies that great care was bestowed upon this interesting branch of rural economy. Many of the nobles had breeding studs upon their estates;<sup>2</sup> and, in the forests, large herds of brood mares, surrounded by their grown-up progeny, and with their young foals at their feet, ran wild, and produced a hardy and excellent stock of little horses, upon which the hobelers, or light-armed Scottish cavalry, were mounted, which, in the nume-

<sup>1</sup> Excerpt. E. Rotul. Compot. Temp. Alex. III. pp. 12, 15.

<sup>2</sup> Cartulary of Melrose, p. 105. Cartulary of Kelso, pp. 283, 284.

rous raids or invasions of England, under Bruce, Randolph, and Douglas, so cruelly ravaged and destroyed the country. Distinguished from these were the domestic horses and mares employed in the purposes of agriculture,<sup>1</sup> in war, or in the chase. Both the wild horses, and those which had been domesticated, were of a small hardy breed, excellently fitted for light cavalry, but too diminutive to be employed as the great war horse of the knight, which had not only to bear its master armed from head to foot in steel, but to carry likewise its own coat of mail. It is on this account that we find the Scottish barons importing a breed of larger horses from abroad.<sup>2</sup> Some idea may be formed of the extent of the stud possessed by the higher barons and the rich ecclesiastical houses, by an inventory which is preserved in the Chartulary of Newbottle. It states that the monks of Melrose possessed in old times three hundred and twenty-five forest mares and horses, fifty-four domestic mares, a hundred and four domestic horses, two hundred and seven stags or young horses, thirty-nine three year colts, and a hundred and seventy-two year old colts.

<sup>1</sup> In the farming operations of ploughing and harrowing, in the leading of hay, the carting of peats, or taking in the corn during the harvest, the wain driven by oxen appears to have been principally employed, while the conveyance of the agricultural produce to any great distance was performed by horse labour. This appears from the minute details of the services due by the tenants of the Abbey of Kelso, in the Cartulary of that rich religious house. Cartulary of Kelso, p. 475.

<sup>2</sup> Lord Douglas brings ten "great horses" into Scotland, 1st July, 1352. *Rotuli Scotiæ*, p. 752, vol. i.

But that branch of rural economy upon which the Scottish proprietors of this period bestowed most attention, was the rearing of large flocks of sheep and herds of cattle.<sup>1</sup> Sheep, indeed, chiefly abounded in the Lowlands ; and, during the latter part of the reign of David the Second, we have seen the parliament interposing in order to equalize the taxation of the districts where sheep farming was unknown, and the Lowland counties, where the wool tax fell heavily upon the inhabitants, while, on another occasion, “ white sheep” are exempted, probably meaning those sheep which, for the sake of producing a finer quality of wool, had not been smeared with tar.<sup>2</sup> In a short time, however, the northern, as well as the southern districts, abounded in sheep, which became a principal branch of the wealth of the country. Their flesh was consumed at the barons’ table ; their wool formed the chief article of export, or was manufactured within the kingdom into the coarser kind of cloth for the farm servants ;<sup>3</sup> their skins were tanned and converted into articles for home consumption, or exported to England and Flanders. In like manner, the carcasses of the beeves were consumed by the troops of retainers, or exposed for sale in the market of

<sup>1</sup> *Excerpta ex Rotulo Compotorum, Temp. Regis Alex. III.* p. 11.

<sup>2</sup> “ White sheep” is the technical phrase for sheep which are not smeared with tar in the winter time. The smearing injures the wool ; and it is not improbable the exemption from tax may have been with a view to the production of wool better fitted to the purposes of the manufacturer. Robertson, p. 117.

<sup>3</sup> Charter of William the Lion to the burgh of Inverness, printed in *Wight on Elections*, p. 411.

the burgh ; the skins were exported in great quantities, both with and without the hair, or manufactured into shoes, leather jackets, buff coats, caps, saddles, bridles, and other articles of individual comfort or utility. In the more cultivated districts, cows were kept in the proportion of ten to every plough ; but, in the wilder parts of the country, the number was infinitely greater.<sup>1</sup> Goats also were to be found in some districts, chiefly in the wilder and more mountainous parts of the country.<sup>2</sup>

From the quantity of cheese which appears to have been manufactured on the royal demesnes throughout Scotland, it is certain that the dairy formed a principal object of attention ;<sup>3</sup> and if such was the case upon the lands of the crown, it is equally certain that its proper management and economy was not neglected by the clergy or the barons. In the Cartulary of Kelso, we find that David the First conferred on the monks of that house the tenth of the cheese which he received from Tweeddale ; the same prince gave to the monks of Scone the tenth of the can of his cheese brought in from his manors of Gowrie, Scone, Cowper, and Torgrund ; and to the monks of Rendalgross, the tenth of the cheese and corn collected from the district round Perth.<sup>4</sup> From the same valuable class of records, which contain the most interesting materials for the civil history of the country, we learn that, in addi-

<sup>1</sup> Caledonia, p. 798.

<sup>2</sup> Robertson's Parliamentary Records, p. 3.

<sup>3</sup> Excerpta E. Rotulo Compot. Temp. Alex. III. p. 11.

<sup>4</sup> Cartulary of Kelso, pp. 5, 6. Cartulary of Scone, p. 6.

tion to the more important branches already mentioned, poultry was carefully attended to in the farm establishment; and it is through the monks, the constant friends of all comfort and good cheer, that the fact is transmitted. As early as under Malcolm the Fourth, the monks of Scone, upon the Feast of All Saints, received from every ploughland within their demesnes ten hens, along with other farm produce; and from each house of every hamlet or village on the lands belonging to the Abbey of Kelso, the Abbot at Christmas received a hen, for which he paid a halfpenny.<sup>1</sup>

It will be seen, from these facts, that the state of Scotland, with regard to those necessities, and even comforts of life, which depend upon agricultural improvement, was sufficiently respectable. Wheaten loaves, beef, mutton, and bacon, besides venison and game of all descriptions, in rude abundance, were to be found at the table of the greater and lesser barons, while the lower orders, who could look to a certain supply of pork, and eggs, cheese, butter, ale, and oaten cakes, were undoubtedly, so far as respects these comforts, in a prosperous condition. Besides this, both for rich and poor, there was an inexhaustible supply of fish, which abounded in the seas that washed their coasts, and in the rivers and lakes of the country. Herring and salmon, cod and ling, haddocks, whiting, oysters, trout, eels, and almost every other species of fresh water fish, were caught in great quantities, and

<sup>1</sup> Cartulary of Scone, p. 16. Cartulary of Kelso.

formed an article of constant home consumption.<sup>1</sup> The pages of the various Cartularies<sup>2</sup> abound with proofs of the assiduity and skill with which the fisheries were pursued, and of the value attached to them by their proprietors. In the wardrobe accounts of Edward the First, large quantities of herring were purchased for the provisioning of his Scottish garrisons ; and during his campaigns of 1300 in that country, he carried with him his nets and fishers for the supply of the royal table. Here, as in all other branches of national wealth, the monks were the great improvers, and by their skill and enterprise, taught the great barons, and the smaller landed proprietors, with their vassals and bondmen, how much wealth and comfort might be extracted out of the seas, the lakes, and the rivers of their country. Stell fishings, a word which appears to mean a stationary establishment for the taking of fish, were frequent on the coast of Ayrshire, on the shores of the Solway, and generally at the confluence of the larger rivers with the sea. Besides this, we find in the Cartularies innumerable grants of retes, or the right of using a single net within certain limits, upon the river or lake where it was established ; and of yairs, a mode of fishing by the construction of a wattled machine within the stream of the river, which was inserted between two walls, and of very ancient use in Scotland. In the Cartulary of Paisley, the Earl of

<sup>1</sup> Robertson's Parliamentary Records, p. 3.

<sup>2</sup> Wardrobe Accounts of Edward I. pp. 121, 122, 143, 151.



Levenax, some time before 1224, gave to the monks of that religious house a yare fishing in the river Leven near Dumbarton.<sup>1</sup> A contemporary manuscript in the British Museum informs us, that in the reign of David the First, the Firth of Forth was frequently covered with boats, manned by Scottish, English, and Belgic fishermen, who were attracted by the great abundance of fish in the vicinity of the Isle of May;<sup>2</sup> and we know from the accounts of the Chamberlain of Scotland, that for the use of the king's household not only large quantities of every kind of fish were purchased by the clerk of the kitchen, but that David the Second, like Edward the First, kept his own fishermen for supplying the royal table.

<sup>1</sup> Cartulary of Paisley, pp. 359, 360.

<sup>2</sup> MS. Bibl. Cotton. Tit. A. XIX. f. 78, C. The MS. is a life of St Kentigern, written about the end of the reign of David the First. "Ab illo quippe tempore in hunc diem tanta piscium fertilitas ibi abundat, ut de omni littore maris Anglici, Scotici, et a Belgicæ Galliæ littoribus veniunt gratia piscandi piscatores plurimi, quos omnes Insula May in suis rite suscipit portibus." M'Pherson's Notes on Winton, vol. ii. p. 479.

## SECTION II.

## DISTINCT RACES IN SCOTLAND.

WE come now to the consideration of an important subject; to make a few remarks upon the different races of men which appear originally to have settled in Scotland, and the division of orders and ranks in society into which they came to be separated during this remote era of our history. At the death of Malcolm Canmore, in 1093, four distinct races were discernible in Scotland. There was first the Gaelic or Celtic people, speaking the Erse language, and inhabiting Argyle, Galloway, Inverness, and nearly the whole of Scotland to the north of the Firth of Forth. Beyond them the hardy and warlike Norwegians had seized upon the Western Isles, and colonized the extreme districts of Ross and Caithness. In the richer lowland counties were the Saxons, a Gothic race, from whom Malcolm Canmore had chosen his queen, and whom he highly favoured and encouraged, while the convulsion in the sister country at the great era of the conquest had driven many opulent Normans to desert the service of the conqueror, and to carry their arms and their allegiance to a foreign prince, by whom they were warmly welcomed. During the long interval of a century and a half, which elapsed between the death of Malcolm Canmore and the accession of Alexander the Third, these materials became insensibly blended and mixed into

each other ; but the process was extremely gradual, and during the whole period we can discern distinct marks of the different races.<sup>1</sup> At the death of Malcolm Canmore, an event took place which exhibited in strong colours the animosity of the Gaelic people to the Saxons and Normans. Donald Bane, who had taken refuge in the Hebrides upon the usurpation of Macbeth, having emerged from his northern asylum, seized the throne ; and his first exertion of power was to expel from the country all the foreigners who had intruded into his dominions.<sup>2</sup> The frequent residence of David the First previous to his accession to the Scottish throne at the court of England, and his possession of the large and extensive district of Cumberland, which was exclusively occupied by a Saxon and Norman population, must have contributed to soften the lines of distinction between the different classes of his subjects when he became king. Yet his anxious efforts could not altogether extinguish their jealous animosities, or prevent them from breaking out on most occasions where they were compelled to act together.<sup>3</sup> For example, at the battle of the Standard, Malise Earl of Strathern, a Gaelic chief, remonstrated with the Scottish king against his design of placing his squadrons of Norman soldiers, who were clothed from head to foot in steel, in the front of the battle. “ Why,” said he to the king,

<sup>1</sup> Fordun a Goodal, b. viii. c. 2, 4, and 6, b. ix. c. 34, and c. 47, 48, c. 63.

<sup>2</sup> Chron. Johan. Brompton, p. 990. Chron. Melrose, p. 174.

<sup>3</sup> Rich. Hagulstad. pp. 318, 323. Johan. Hagulstad. p. 262.

“ will you commit yourself so confidently to these Normans? I wear no armour, yet none of them this day will go before me in the battle.” Upon which, David, to prevent a rupture between the two divisions of his army, found himself compelled to give the post of honour to the Galwegians, whom the Norman historians represent as a nation of absolute savages.<sup>1</sup> An attention to the arrangement of the Scottish army in this memorable battle, and to the circumstances under which it was fought, will throw some light upon the various tribes which at this time composed the body of the nation. After the Galwegians, who insisted on forming the first line, and were led by their chiefs Ulric and Donald, came the second body, which was composed of the Norman men-at-arms, the knights and the archers, commanded by Prince Henry, whilst the soldiers of Cumberland and Teviotdale fought in the same line, and beneath the same banner. In the third division were drawn up the men of Lothian, along with the Islanders and Katherans; and the king himself commanded a reserve in which he had placed the Scots and the natives of Moray, with a select body of Saxon and Norman knights, which he kept near him as a body guard.<sup>2</sup> There were at this time in the English army two Norman barons, Robert de Brus, and Bernard Baliol, who possessed estates in Galloway, which they held of David as their liege lord. Before the battle, Bruce, who

<sup>1</sup> Ethelredus de Bello Standardi, pp. 341, 342. Ricardus Hagulstad. Hist. p. 318.

<sup>2</sup> Ethelredus de Bello Standardi, p. 342.

had been an old and dear friend of the Scottish king during his residence in England, requested an interview, and anxiously advised him to desist from further hostilities, and to consent to a peace. In the arguments which he employed, as given by a contemporary historian,<sup>1</sup> the enmity between the Scottish and the Norman race, is strongly insisted upon. He paints the Scots as rejoicing at the opportunity of avenging themselves upon a nation which was odious to them, and accuses the king of extreme folly in making war on that people by whom he had supported his power against the attacks of his Scottish subjects. "Think not," says he, "that one part of these savage tribes will be a sufficient defence against the rest, that the Scots will be barrier enough against the Scots; and raise not your banner for the destruction of those whose faithfulness in your defence has made them to be hated by the Scottish race."

The two races in David's army, thus strikingly described, seem to have been the Galwegians, the Islesmen, the Katherans, on one hand; and the Normans and Saxons, the men of Lothian, of Teviotdale, and of Cumberland, on the other. Nor is it difficult to discover the cause of this animosity. The fact just mentioned, that Bruce and Baliol, two Norman barons, possessed lands in Galloway, will guide us to it. It was the policy of this monarch to encourage the influx of Normans into his dominions, by conferring upon them estates in the districts which his Gaelic

<sup>1</sup> Ethelredus de Bello Standardi, p. 343.

subjects considered exclusively their own ; and out of this policy arose a mutual jealousy and hatred, which it required centuries entirely to eradicate. The arms, the appearance, and the manners of these Galwegians, are marked by the same author as essentially different from the rest of the Scottish army. When compared with the Norman men-at-arms, they were little else than naked savages. Their swords and a buckler of cow hide were their feeble weapons of defence against the steel casques, the chained-mail shirts, the cuirass, vantbrace, greaves, and iron gloves of the English army ; but their first attack, in spite of these disadvantages, was so fierce as to be frequently successful. On the other hand, the Saxons and the men of Teviotdale, Cumberland, and Lothian, appear to have been a civilized and noble race, in comparison with the Galwegians, the Islesmen, and the Kathेरans.<sup>1</sup>

The distinction indeed between the Saxon and the Gaelic people was as strongly marked as that between the Normans and the Galwegians. Malcolm's queen was a Saxon princess, and the sister of Edgar Atheling, the heir of the Saxon line in England. She spoke only her own language, and when she communicated with the Gaelic chiefs or clergy, employed as her in-

<sup>1</sup> Ethelredus de Bello Standardi, p. 345. In Thierry's *Histoire de la Conquête de l'Angleterre par les Normans*, a work of great talent, the author falls into an error (vol. iii. p. 24) in describing the Scottish army as having for its ensign or standard a simple lance. Alred expressly tells us that they had " Regale vexillum, ad similitudinem Draconis figuratum." De Bello Standardi, p. 346.

terpreter the king her husband, who was acquainted both with his own language and that of the English people.<sup>1</sup>

At the coronation of Alexander the Third, we have seen that the Gaelic portion of his subjects claimed a part in the ceremony, by the appearance of the Highland bard or sennachy, who repeated in their own tongue the genealogy of the king ;<sup>2</sup> and, during the long wars of the three Edwards, the animosity of the same people to the new race of the Saxons and the Normans, is manifested by the constant rebellions of the Galwegians and northern Scots ; and the apparent facility with which the English monarchs on all occasions separated the lords of the isles and the northern chiefs from the common cause of liberty. Bruce's expedition against the Western Isles in 1315, which was followed by a temporary reduction of the chiefs, evinces the continued feelings of hostility, and almost the only occasion on which David the Second evinced a spirit worthy of his father, was in the suppression of a serious rebellion of the northern provinces of his dominions.<sup>3</sup> As to the traces of the Norwegian or Scandinavian race in the body of the Scottish people, they were, although perceptible, very partial and evanescent. Their settlements upon the mainland in Caithness and Ross were destroyed, and the Western Isles wrested from them by Alexander ; so that, were it not for the impression which they

<sup>1</sup> Turgot, Vita Margaretæ Reginae. Pinkerton's Vitæ Sanctorum, No. 5.

<sup>2</sup> Fordun a Goodal, vol. ii. p. 81.

<sup>3</sup> History, vol. i. p. 334.

have left in the Scandinavian names and superstitions which are prevalent in those remote regions, and the instruction communicated to the Islesmen in the art of navigation, we should not be able to discover that the children of Odín had ever penetrated into our country.

In the period of a hundred and twenty years, between the accession of Alexander the Third and the death of David the Second, the Norman and Saxon population became so intimately blended together, as to appear one and the same people ; and their superior power and civilisation had gradually gained, from their rude and fierce competitors, the Gaels, the greater and the fairer portion of Scotland. Even in those northern provinces, which had long exclusively belonged to them, barons of Norman and Saxon extraction were settled in possession of immense estates ; and the government of the constitution, which, there is little doubt, had been under Malcolm Canmore essentially Celtic, was now as decidedly feudal, including certain orders and ranks in society which were clearly and strongly marked.

The king, under the feudal form of government, appears to have been superior to the highest nobility, in three great characters. He was the leader of the army in war, and possessed of the supreme military command ;<sup>1</sup> he was the great judge or administrator of justice to his people, either in person or by deputy ; and the fountain of honour, from whose will and authority all distinction and pre-eminence was

<sup>1</sup> Simeon Dunelm. pp. 200, 210.



considered as primarily derived. It would be a great mistake, however, to suppose that his power was any thing approaching to despotic; for it was controlled by that of the higher nobles, whose estates and vassallage enabled them almost singly to compete with the sovereign. At the same time, there is decided proof that ample provision was made for the due maintenance of the royal state and dignity, both in the person of the king himself and his eldest son, whom, at a very early period, we find was considered as entitled to the crown by hereditary right.<sup>1</sup>

Edgar in 1106, being then on his death-bed, bestowed upon his younger brother David, afterwards David the First, a large portion of his dominions, which included the ancient kingdom of Strathclyd, and nearly the whole of the country to the south of the firths, with the exception of the Earldom of Dunbar;<sup>2</sup> a proof that the personal estate of the Scottish king was at that time very great. Many other incidental notices, which are scattered in the pages of our early historians, may be brought to corroborate the same fact.

<sup>1</sup> Simeon Dunelm. p. 223.

<sup>2</sup> Ethelredus de Bello Standardi, p. 344. M·Pherson's MS. Notes on Hailes' Annals, vol. i. p. 48. Hailes appears to be in an error, when he imagines that the "portio regni," spoken of by Ethelred, was the part of Cumberland possessed by the Scottish kings, as it was after this that David acquired Cumberland from King Stephen. David, before he was king, erected Glasgow into a bishoprick, from which arises a strong presumption that it lay within his principality; and we find, that on his newly-erected Abbey of Selkirk, afterwards Kelso, he bestowed the tithes of his can of cheeses from Galloway, from which it is evident that he was the feudal superior of that district. Dalrymple's Collect. p. 404.

In the year 1152, the prospects of the kingdom were clouded by the death of Prince Henry, the only son of David the First, upon which that monarch, anxious for the stability of the throne in his own family, commanded his grandson, Malcolm, the eldest son of Henry, to be proclaimed heir to the crown; and on the second son, William, afterwards William the Lion, he bestowed his territories in Northumberland as the appanage of the heir apparent.<sup>1</sup> And we know that David Earl of Huntingdon, brother of William the Lion, held, at the time of his death, which happened in the year 1219, the earldoms of Garioch and Lenox, the lordship of Strathbogy, the town of Dundee, with the lands of Innerbervie, Lindoris, Longforgrund, and Inchmartin, in consequence of a grant from the king, his brother.<sup>2</sup>

In addition to these facts, which prove the power and personal estate of the king, under the feudal government in Scotland, the riches of the royal revenue are evinced by various pecuniary transactions of William the Lion. It is well known that this monarch paid to Richard the First the sum of ten thousand merks, for resigning the homage extorted by Henry the Second.<sup>3</sup> Upon another occasion, he gave Richard two thousand merks to make up the heavy ransom which was exacted from the English monarch by the emperor.<sup>4</sup> Upon John, King of Eng-

<sup>1</sup> Fordun a Goodal, vol. i. 296. Johan. Hagulstad. p. 280. Gu-lielm. Neubrigen. p. 76.

<sup>2</sup> Fordun a Goodal, vol. ii. pp. 33, 42.

<sup>3</sup> Fordun a Hearne, p. 724.

<sup>4</sup> Chron. Melrose, p. 179.

land, he bestowed the marriage of two of his daughters, with fifteen thousand merks ;<sup>1</sup> and, if we may believe Hoveden, the same king offered fifteen thousand merks for Northumberland.<sup>2</sup> Allowing ten pounds of modern money for every merk of ancient, we find from these insulated instances of the sums paid by this monarch, that he actually disbursed, out of the royal revenue, two hundred and seventy thousand pounds, and was ready, in addition to this, to have paid a hundred and fifty thousand for Northumberland.

Upon the marriage of Alexander the Second with the daughter of Lord Ingelram de Coucy, the portion of the youthful bride amounted to seven thousand merks, which was given her as a third of the royal revenue, so that in 1239, the date of this marriage, the annual revenue of the King of Scotland, proceeding from the crown lands and other sources, amounted to twenty-one thousand merks,<sup>3</sup> somewhat more than two hundred thousand pounds. The same monarch, notwithstanding the drain of the royal treasury, in his father's time, gave ten thousand merks, besides lands, as a marriage portion with his second sister ; and, on one memorable occasion, when the Scottish sovereign paid a Christmas visit to Henry the Third at York, in the mutual interchange of gifts between the two kings, Alexander, for the purpose of fitting out his royal host for the continent, made him a

<sup>1</sup> *Fœdera*, vol. i. p. 155.

<sup>2</sup> Hoveden, fol. 420.

<sup>3</sup> *Math. Paris*, pp. 828, 829. *M'Pherson's Notes on Winton*, vol. ii. p. 481.

present of two thousand merks, or twenty thousand pounds of our present money, taking from him, at the same time, an acknowledgment, that the gift was never to be drawn into a precedent, but proceeded solely from his liberality.<sup>1</sup>

Under Alexander the Third, the riches of the royal revenue appear to have kept pace with the general prosperity of the kingdom. We have seen that monarch obtain the kingdom of Man and the Western Isles by purchase from the King of Norway, paying down for them the sum of four thousand merks with an annual payment of a hundred merks for ever; and, not long after this transaction, the same monarch, at the marriage of his daughter to Eric, king of Norway, assigned as her dower the sum of seven thousand merks, together with lands worth seven hundred merks a year.<sup>2</sup> To give an exact account of the various sources of the royal revenue in those early times, would require a careful and lengthened investigation. The rents and produce of the royal lands and manors throughout the country, the dues payable under the name of can on the products of agriculture, hunting, and fishing, the customs on the exports of wool, wool-fels, and hides, on articles of domestic manufacture, on foreign trade and shipping, the fees and fines which arose at this period in all countries where the feudal system was established, from

<sup>1</sup> Chron. de Dunstaple, MS. Bib. Cotton. quoted in M'Pherson's Notes to Winton, vol. ii. p. 480. Rotuli, Pat. 14. Hen. III. m. 5. and 15. m. 7.

<sup>2</sup> Fordun a Hearne, p. 1358. Fœdera, vol. ii. p. 1079.

the administration of justice upon the wardship and marriage of heirs, and in the escheats of estates to the crown, the temporary aids which the tenants and vassals of every feudal sovereign were bound to pay on great and solemn occasions, such as making the king's son a knight, the marriage of his daughters, his own coronation or marriage, or his ransom from captivity ; these, amongst others, formed some of the principal sources of the revenue of the crown.<sup>1</sup>

If we make allowance for the rudeness of the period, the personal state kept up by the Scottish sovereign was little inferior to that of his brother monarch of England. The various officers of the royal household were the same ; and when encircled by these dignitaries, and surrounded by his prelates, barons, and vassals, the Scottish court, previous to the long war of liberty, and the disastrous reign of David the Second, was rich in feudal pomp and magnificence. This is proved, by what has already been observed as to the condition of the royal revenue, when compared with the inferior command of money which we find at the same era in England ;<sup>2</sup> and some interesting and striking circumstances, which are incidentally mentioned by our ancient historians, confirm this opinion. As early as the age of Malcolm Canmore, an unusual splendour was introduced into the Scottish court by his Saxon queen. This prin-

<sup>1</sup> Chalmers' *Caledonia*, vol. i. p. 747. Chamberlain's *Accounts*, *passim*.

<sup>2</sup> Gulielmus Neubrig. p. 98. McPherson's *Notes on Winton*, vol. ii. p. 481.

cess, as we learn from her life by Turgot, her own confessor, brought in the use of rich and precious foreign stuffs, of which she encouraged the importation from distant countries. In her own dress, she was unusually magnificent; whilst she increased the parade of the public appearance of the sovereign by augmenting the number of his personal attendants, and employing vessels of gold and silver in the service of his table.<sup>1</sup> Under the reign of Alexander the First, the intercourse of Scotland with the East, and the splendid appearance of the sovereign, are shown by a singular ceremony which took place in the High Church at St Andrews. This monarch, anxious to evince his devotion to the blessed apostle, not only endowed that religious house with numerous lands, and conferred upon it various and important immunities, but, as an additional evidence of his piety, he commanded his favourite Arabian horse to be led up to the high altar, whose saddle and bridle were splendidly ornamented, and his housings of a rich cloth of velvet. A squire at the same time brought the king's body armour, which were of Turkish manufacture, and studded with jewels, with his spear and his shield of silver, and these, along with the noble horse and his furniture, the king, in the presence of his prelates and barons, solemnly devoted and presented to the church. The housings and arms were shown in the days of the historian who has recorded the event.<sup>2</sup>

<sup>1</sup> Turgot, *Vita Sanct. Marg.* apud Pinkerton, *Vitæ Sanctorum*.

<sup>2</sup> Extract from the Register of the Priory of St Andrews, in Pinkerton's *Dissertation*, Appendix, vol. i. p. 463. Winton, vol. i. p. 286.

On another occasion, the splendour of the Scottish court, and we must add, the foolish vanity of the Scottish monarch and his nobles, were evinced in a very remarkable manner. Alexander the Third, and a party of a hundred knights, were present at the coronation of Edward the First ; and in the midst of the festival, when the king sat at table, and the wells and fountains were running the choicest wines, he and his attendants dismounted, and turned their horses, with their splendid housings, loose amongst the populace, to become the property of the first person who caught them,—a piece of magnificent extravagance ; which was imitated by Prince Edmund, the king's brother, and others of the English nobles.<sup>1</sup>

From these facts some idea may be formed of the wealth of the royal court of Scotland. Like the other contemporary feudal monarchs of Europe, the sovereign was surrounded by certain great ministers of state, under the names of the justiciar, the chancellor, the constable, the marshal, the seneschal, the chamberlain, and the hostiarius or doorward. These offices were held by the richest and most powerful nobles, whose wealth enabled them to keep up a train of vassals, which almost rivalled the circle round the sovereign ; and who, in their own court and castle, mimicked the royal pomp, and were surrounded by their own cupbearers, constables, seneschals, and chamberlains.<sup>2</sup> Next to the king, therefore, such great officers held the highest rank in the nation ; and

<sup>1</sup> Knighton, Col. 2461.

<sup>2</sup> Robertson's Index, p. 82.

no correct picture of the feudal government of Scotland, during this early period, can be given, without briefly considering the respective duties which devolved upon them.

In the history of our legal administration, during that long period which occupies the interval between the accession of the First Alexander and the First James, the office of great justiciar holds a conspicuous place; although, from the very few authentic records of those times, it is difficult to speak with precision as to its peculiar province.

It has already been remarked, that, in this early age, the king was the fountain of justice, and the supreme judge of his people. We are indebted to a contemporary historian for a fine picture of David the First in this great character. "It was his custom," says Ethelred, "to sit, on certain days, at the gate of his palace, and to listen in person to the complaints of the poorest suitors who chose to bring their cause before him. In this employment he spared no labour to satisfy those who appealed to him of the justice of his decision; encouraging them to enter into argument, whilst he kindly replied, and endeavoured to convince them of the justice of his reasons.—Yet," adds the historian, with great simplicity, "they often showed an unwillingness to acquiesce in his mode of argument."<sup>1</sup>

The progresses which were annually made by the king, for the purpose of redressing grievances, and

<sup>1</sup> Fordun & Hearne, p. 940.



inquiring into the conduct of his officers throughout the realm, have been already noticed under the reign of Alexander the Third ; but the general administration of justice, at a very early period, seems to have been intrusted to two great judges,—the one embracing, within his jurisdiction, the northern, and the other the southern part of the kingdom. Under these supreme officers, a variety of inferior judges appear to have enjoyed a delegated and subordinate jurisdiction, who borrowed their designations from the district in which they officiated, and were denominated the Judge of Gowry, the Judge of Buchan, the Judge of Strathern, the Judge of Perth ; but of whose exact authority and jurisdiction no authentic record remains.<sup>1</sup> The existence, both of the supreme and of the inferior judges, can be traced in authentic muniments, preserved chiefly in the Cartularies, throughout the reigns of Alexander the First, David the First, and Malcolm the Fourth, during a period of nearly sixty years, from 1106 to 1165. William the Lion, who assumed the crown immediately after Malcolm IV., appears to have changed or new-modelled these offices, by the creation of two great judges named Justiciars ; the one the Justiciarius Laodoniæ, whose authority extended over the whole of the country south of the two Firths ; and the other the Justiciarius Scotiæ, embracing within his jurisdiction the whole of Scotland beyond the Forth. The series of

<sup>1</sup> Chalmers' *Caledonia*, p. 703, vol. i. note D. Crawford's *Officers of State*, p. 431. Robertson's *Index to the Charters*, Postscript, p. 53.

justiciars of Scotland from the reign of this prince, during a period of nearly a century, has been traced through documents of unquestionable authenticity;<sup>1</sup> but that of the justiciaries of Lothian cannot be so accurately ascertained,<sup>2</sup> while there is a third officer of the same high dignity, the *Justiciarius ex parte boreali aquæ de Forth*, whom we find incidentally mentioned at the same period; upon whose authority and jurisdiction the utmost research of our antiquaries has not succeeded in throwing any distinct or certain light.<sup>3</sup> There can be little doubt, I think, that the judicial authority of these officers was pre-eminent, and that it embraced a civil and criminal jurisdiction, which was next to that of the sovereign. At the period of the temporary subjugation of Scotland by Edward the First, this monarch, in his new-modelling of the machine of government, introduced a change by appointing two justices in Lothian, two others in the country lying between the Forth and the eastern end of the Grampian range, called the Mounth, and, lastly, by separating the great-northern district, extending from the Grampians to Caithness,

<sup>1</sup> Dalry's *Desultory Reflections on the Ancient State of Scotland*, p. 43. See Chamberlain's Accounts, *Excerpta E. Rotulo Compotorum Tempore Regis Alex. III.* vol. i. p. 8.

<sup>2</sup> The *Justiciarius Laudoniæ* appears in the year 1263, under Alexander the Third. Chamberlain's Accounts, *Excerpt. E. Rotulo Compot. Temp. Alexandri III.* p. 15.

<sup>3</sup> In the *Excerpt. E. Rotul. Compot. Temp. Custodum Regni*, p. 58, there appears "William St Clair, *Justiciarius Galwythie*."

into two divisions, over which he placed two supreme justiciars.

Scotland, however, soon recovered her independence; and it seems probable, that the ancient institution of a single justiciar of Lothian was restored, along with her other native dignities, by Robert Bruce. It is certain, at least, that the existence of a single judge under that title can be traced through authentic documents down to the period of James the Fifth. The latter institution of Edward, regarding the four justiciaries of Scotland, who presided over the regions to the north of the Forth, as it was sanctioned by ancient usage, was preserved by him who was the restorer of ancient right.<sup>1</sup> It would thus appear that, during the reign of Robert Bruce, the civil and criminal jurisdiction of the country was, with the exceptions to be immediately noticed, divided between five different justiciars; and it is probable, although it cannot be stated with historical certainty, that these supreme judges acted by deputies, who officiated in their absence, or presided in minor cases; and that they continued to be the supreme judges in Scotland down to the time of James the Fifth.

The office of great justice or justiciar was undoubtedly of Norman origin;<sup>2</sup> and, reasoning from

<sup>1</sup> Ryley's *Placita*, p. 504.

<sup>2</sup> *Cartulary of Lindores*, p. 10. *MS. Monast. Scotiæ*, p. 26, quoted in *Caledonia*, p. 707. *Robertson's Index*, pp. 67, 74.

<sup>3</sup> *Spelman's Glossarium*, p. 399. *Chamberlain's Accounts*, *Excerpt. E. Rotul. Compot. Tempore Alex. III.* pp. 29, 42, 43.

the analogy between the office in England and in Scotland, it may be conjectured, that the principal duties which it embraced, at this period, regarded those subjects or suits which affected the revenue or emolument of the king.

The office of chancellor, next in dignity to that of the justiciar, is certainly as ancient as the reign of Alexander the First; but the precise nature of the authority committed to this great officer at this remote era of our history, cannot be easily ascertained; and where authentic records do not demonstrate its limits, speculation is idle and unsatisfactory. It existed at a very early period in France, under the reign of Charlemagne; it is found in England in the Saxon times; but it was not till a much later period in Scotland, when the traces of a Celtic government became faint and almost imperceptible, and the Gothic race of the Saxons and the Scoto-Normans drove back the Celtic people into the remoter regions of the country, that Herbert the Chancellor appears amongst the officers of the crown.<sup>1</sup> From this period, down to the coronation of Bruce, the industry of Chalmers has given a series of these great officers; and without entering into any antiquarian or etymological discussion, we have an authentic muniment in the contract of marriage between the son of Edward the First and the Maiden of Norway, by which it appears, that the custody of the king's seal, the examination of all writs which received the royal signa-

<sup>1</sup> Crawford's Officers of State, p. 4.

ture, and the cancelling or refusing the royal sanction to such deeds as appeared irregular, were then the chief duties of this high officer. In addition to this, the chancellor was the most intimate councillor of the king; he was always lodged near the royal person, he attended the sovereign wherever he went, both in peace and war, and was witness to his most solemn charters, letters, and proclamations.<sup>1</sup> This great office continued, as is well known, down to the period of the union of the kingdoms; an existence, if we compute from its appearance under Alexander the First, of nearly six centuries.

It has been already observed, that the supremacy of the civil and criminal jurisdiction of the great justiciars was limited by some exceptions; and the first of these is to be found in the existence of the ancient office of sheriff, the earliest appearance of which is to be found in the beginning of the twelfth century, under the reign of Alexander the First.<sup>2</sup> This, however, is the very dawn of the institution, and the division of Scotland into regular and certain sheriffdoms must be referred to a much later era. It seems to be a sound opinion of the author of *Caledonia*, that "sheriffdoms were gradually laid out, as the Scoto-Saxon people gained upon the Gaelic inhabitants, and as the modern law, introduced by the Saxons, prevailed over the ruder institutions of

<sup>1</sup> Rymer's *Fœdera*, vol. ii. p. 483. Balfour's *Practiques*, p. 15.

<sup>2</sup> Dalrymple's *Collections*, p. 405. *Charta Fundacionis Abbacie apud Schelechyreh, nunc Selkirk.*

our Celtic forefathers.”<sup>1</sup> Previous to the conclusion of that division of our national history, which this author has termed the Scoto-Saxon period, extending from 1097 to 1306, the whole of Scotland, with the exception of Argyle, Galloway, and the western coast, had been progressively divided into sheriffdoms. Many of these offices, the appointment to which was originally in the crown, had, at this early period, become hereditary in certain families; and, in imitation of the regal state, every greater baron appears to have appointed his sheriff,<sup>2</sup> in the same manner as we find many of these petty feudal and ecclesiastical princes, surrounded by their chamberlains, chancellors, marshals, and seneschals. It is certain, from the evidence of authentic records, that the term schire was anciently given to districts of much smaller extent than the sheriffships of the present day. In the foundation charter of William the Lion to the abbey of Aberbrothock, we find the shires of Aberbrothoc, of Denechyn, of Kingoldrum, and of Athyn; and in the Cartulary of the abbey of Dunfermline, Dumfermeline schire, Dolorshire, Newburnshire, Musselburghshire, with the shires of Gelland and Gaitmilk. Over these minute divisions we do not discover any presiding judge enjoying the title of sheriff. Previous, however, to the memorable year 1296, these smaller divisions had disappeared; and the different enactments of Edward the First,

<sup>1</sup> Caledonia, p. 715.

<sup>2</sup> Cart. of Glasgow, 163, 5, quoted in Caledonia, p. 716. Cart. Newbottle, p. 89.

preserved in the volumes of Prynne and Rymer, present us with an exact enumeration of thirty-four sheriffdoms, over most of which a separate sheriff presided.<sup>1</sup> The jurisdiction of this judge, both in civil and in criminal cases, appears to have been very extensive, and within his own district nearly as unlimited as that of the great justiciars throughout the kingdom.

Under that savage state of feudal liberty, which lasted for many centuries in Scotland, all the higher nobles, both civil and ecclesiastical, enjoyed the power of holding their own court, and deciding causes where the parties were their vassals. The origin of this is curious. At a very early period, probably about the middle of the twelfth century, in the reign of Malcolm the Fourth, the land of Scotland began to be partially divided into royalty and regality. Those parts which were distinguished by the term royalty, were subjected to the jurisdiction of the king and his judges; the districts, on the other hand, which were comprehended under the name of regalities, acknowledged the jurisdiction of those ecclesiastics or nobles, who had received a grant of lands from the crown, with the rights of regality annexed to it.

The clergy appear to have been the first, who, in the charters of lands which they often procured from the crown, prevailed upon the sovereign to convey to them the right of holding their own courts, and to

<sup>1</sup> Robertson's Index to the Charters. Notes to the Introduction, p. xl.

grant them an immunity from the jurisdiction of all superior judges. As early as the reign of Alexander the First, a royal charter conferred upon the monks of the abbey of Scone the right of holding their own court in the fullest manner, and of giving judgment either by combat, by iron, or by water ; together with all privileges pertaining to their court ; including the right in all persons resident within their territory, of refusing to answer except in their own proper court ;<sup>1</sup> which right of exclusive jurisdiction was confirmed by four successive monarchs. The same grants were enjoyed, as we know from authentic documents, by the Bishop of St Andrews, and the Abbots of Holyrood, Dunfermline, Kelso, and Aberbrothoc, and we may presume, on strong grounds, by every religious house in the kingdom. These powers of jurisdiction excluded the authority or interference of every other judge, of which we have decided proof in the Cartulary of Aberbrothoc.<sup>2</sup> It appears, that in the year 1299, the abbot of that house repledged from the court of the king's justiciar, which was held at Aberdeen, one of his own men, upon pleading the privilege of the regality of Aberbrothoc ; and in imitation of the clergy, the higher barons soon procured from the royal fear or munificence, the same judicial rights and exemptions, which they in their turn conveyed to their vassals. A superior baron in those ancient times was thus in every respect a king in miniature. Surrounded by the of-

<sup>1</sup> Cartulary of Scone, p. 17.    <sup>2</sup> Cartulary of Aberbrothoc, p. 19.



ficers of his little feudal court, he possessed the high privilege of dispensing justice, or what he chose to term justice, amongst his numerous vassals; he was the supreme criminal judge within his far-extended territories, and enjoyed the power of life and death, of imprisonment within his own dungeon, and of reclaiming from the court, even of the high justiciar, any subject or vassal who lived upon his lands. Can we wonder that, in the course of years, men, possessed of such high and independent privileges, became too powerful for the crown itself? It was in consequence of this, that Bruce, in the disposition of many immense estates, which were forfeited for their determined opposition to his claim to the crown, bestowed them in smaller divisions upon new proprietors, who rose upon the ruins of these ancient houses.<sup>1</sup> The frequent grants of these estates by Bruce, diminished the strength of the ancient aristocracy; but it is evident, at the same time, that, as the new charters frequently conveyed along with the lands the rights of holding their own court, the power which had controlled the crown during the struggle of this great prince for his kingdom, was rather divided than diminished; so that the new barons, under the weak reign and long captivity of his successor, became as independent and tyrannical as before. When we come to consider the origin of the royal burghs, and the privileges conferred upon them by the sovereign, we shall discover a different and inferior judicial

<sup>1</sup> Robertson's Index. Charters of Robert the First.

power, which extended to the determination of all causes arising within the limits of their jurisdiction.

In this brief sketch of our civil history it is impossible to enter upon the great and important subject of the law of the kingdom, as it existed during this remote period ; but it may be generally remarked, that in the courts of the great justiciaries, as well as in those held by the inferior officers of justice throughout the realm, most causes of importance appear to have been determined by the opinion of an assize, or an inquest ; a mode of legal decision which we can discern as early as the reign of William the Lion. In the year 1124, we find an inquest appointed to decide a dispute regarding the pasturage of the King's Forest, which had arisen between the monks of Melrose and the men of Wedale. The inquest, which consisted of twelve "Good Men," *fideles homines*, and Richard Moreville the constable, were sworn on the relics of the church, and sat in presence of the king, his brother, David Earl of Huntingdon, with the prelates and nobles of the court. It is probable, although it cannot be affirmed with historical certainty, that even at this early age, the opinion of the majority of this jury of thirteen decided the case, and that unanimity was not required.<sup>1</sup>

In an inferior dispute, which seems to have arisen between the monastery of Soltre and the inhabitants of the manor of Crailing, in the year 1271, regarding the right of the monks to a sheaf of corn every har-

<sup>1</sup> Chron. Melrose, p. 176. Cartul. of Melrose, p. 64. Chalmers's Caledonia, pp. 752, 753.

vest out of the manor, the cause was determined by a jury summoned from the three contiguous manors of Eckford, Upper Crailing, and of Hetun, who, under the title of *Antiquiores patriæ*, decided it in favour of the monks of Soltre.<sup>1</sup>

The office of constable, which appears in Scotland as early as the reign of Alexander the First, was exclusively military, and undoubtedly of Norman origin. This great officer was the leader of the military power of the kingdom. In England, we find him, in 1163, denominated indiscriminately *constabularius* and *princeps militiæ*;<sup>2</sup> and there is every reason to believe that the province of the constable, as head of the army, was the same in both countries. What was the exact distinction in our own country between the office of the *marechal* and the constable, it is not very easy to determine. That they were different, appears certain from the fact, that we find a *marechal* and a constable under the same monarch, and held by different persons; but we have no authentic record which describes the nature of the duties which devolved upon the *marechal*, although there is no doubt that both offices, at a very early period, became hereditary in certain great families.<sup>3</sup> The offices of the *seneschal*, or high steward, and of the chamberlain, belonged to the personal estate of the sovereign, and those who held them enjoyed the supreme authority in the management of

<sup>1</sup> Cartul. of Soltre, No. 17.

<sup>2</sup> Math. Paris, p. 1028, l. 63, l. 11. Twysden, x. scrip. vol. ii. Glossary.

<sup>3</sup> Chalmers's Caledonia, pp. 709, 710.

the king's household, and in the regulation of the royal revenue. Both are as ancient as the reign of David the First; and the rolls of the royal expenditure, and receipts of the various items and articles of revenue, which were kept by the chamberlain, in his capacity of treasurer, still fortunately remain to us a most curious and instructive monument of the state of the times. The offices of inferior interest, though of equal antiquity—the panetarius, or royal butler; the hostiarius, or keeper of the king's door; the pincerna, or cup-bearer; to which we may add, the keepers of the king's hounds, the royal falconers, the keeper of the wardrobe, the clerk of the kitchen, and various other inferior dignitaries—sufficiently explain themselves, and indicate a high degree of personal state and splendour. Wherever the king moved his court, he was commonly attended by the great officers of the crown, who were generally the richest and most powerful nobles of the realm. It will be recollected, also, that such high barons were, in their turn, encircled by their own seneschals, chamberlains, constables, and personal attendants, and brought in their train a brilliant assemblage of knights, squires, and inferior barons, who regarded their feudal lord as a master to whom they owed a more sacred and paramount allegiance, than even to their king. To these officers, knights, and vassals, who, with their own soldiers and martial dependents, constituted what was termed the “following” of the great baron whom they served, his voice was, in the most strict and literal meaning, a supreme law,—his service, their only road to

distinction. This has been sometimes called the principle of honour ; but as their neglect was sure to be visited with punishment, if not with utter ruin and degradation, it was, in truth, a lower principle—of selfishness and necessity, which limited their duties to the single business of supporting their liege lord against those whom he chose to esteem his enemies. None indeed can attentively read the history of those dark times, without being aware that the immense body of the feudal vassals, and military retainers, throughout Scotland, regarded the desertion of their king, or their leaguings themselves against the liberty of their country, as a crime of infinitely lighter dye, than a single act of disobedience to the commands of their liege lord ; and considered in this light, we must view the feudal system, notwithstanding all the noble and romantic associations with which it has invested itself, as having been undoubtedly, in our own country, a principal obstruction to the progress of liberty and improvement. We shall conclude our remarks upon the distinction of ranks in Scotland, by some observations upon the state of the lower classes of the people during this important period of our history.

These classes seem to have been divided into two distinct orders. There were, first, the free farmers, or tenants of the crown, of the church, and of the greater or lesser barons, who held their lands under lease for a certain rent, were possessed of considerable wealth, and enjoyed the full power of settlement in any part

of the country which they chose to select, or under any landlord whom they preferred. This class is generally known in the books of the Chamberlain's Accounts by the title of "*liberi firmarii*;" and a convincing proof of their personal freedom at a very early period is to be found in the fact, which we learn from these most curious and instructive records, that the farmers of the king possessed the full power of removing from the property of the crown to a more eligible situation. During the minority of the Maiden of Norway, a sum of money was advanced to the farmers of the king, in order to prevail upon them to remain on the crown lands of Liberton and Laurencetown, which they were about to desert, on account of a mortality amongst their cattle.<sup>1</sup> It was, I conjecture, this free body of feudal tenants who were liable to be called out on military service, and formed the great proportion of the Scottish infantry, or spear-men, in the composition of the army.

Very different from the condition of this first order was the second class of cottars, bondsmen, or villeyns. Their condition forms a marked and extraordinary feature in the history of the times. They were slaves who were sold with the land; and their master and purchaser possessed over their persons the same right of property which he exercised over

<sup>1</sup> "*Item firmariis regis terre de Liberton et Laurancyston quorum animalia anno predicto moriebantur ad valorem x librarum iii. c. de gracia ad presens, et ne exeant terram regis in paupertate, et ne terra regis jaceat inculta.*" Chamberlain's Accounts, Temp. Custodum Regni, p. 65.

the cattle upon his estate. They could not remove without his permission ; wherever they settled, his right of property attached to them ; and, whenever he pleased, he could reclaim them, with their whole chattels and effects, as effectually as he could seize on any animal which had strayed from his domain. Of this state of slavery innumerable examples are to be found in the cartularies, establishing, beyond the possibility of controversy, that a considerable portion of the labouring classes of the community was in a state of absolute servitude.

We find, for example, in the Cartulary of Dunfermline, that a bondsman, of the name Allan, the son of Constantine, with his two sons, had in 1340 transferred themselves from the lands of the abbot of this religious house to some other habitation, under pretence that they were the bondsmen of Duncan Earl of Fife. On being ordered to come back to their own master, they had refused ; upon which an inquest was summoned, for the purpose of determining to whom Allan, the son of Constantine, and his sons, belonged ; when it was found that they were the property of the abbot.<sup>1</sup>

So early as the year 1178, William the Lion made a donation of Gillandrean M'Suthen and his children to the monks of Dunfermline for ever.\* We find that David the First, in 1144, granted, to the Abbot

<sup>1</sup> Cartulary of Dunfermline, p. 654. M'Farlane's Transcript. The folio in the original 98.

<sup>2</sup> Cartulary of Dunfermline, folio 13.

of Kelso, the church of Lesmahago, along with the lands of the same name, and their men; and still later, in the 1222, the Prior and the Convent of St Andrew's, by an express charter, which is still preserved, permit a bondsman and his children to change his master, and to carry his property along with him.<sup>1</sup> In the year 1258, Malise Earl of Strathern gave to the monks of Inchaffray, for the safety of his own soul, and the souls of his ancestors and successors, John, surnamed Starnes, the son of Thomas, and grandson of Thore, with his whole property, and the children which he had begotten, or might beget;<sup>2</sup> and this for ever.

When a grant of land was made by the king, or by any of his nobility, either for military service, or to be held blench for the payment of a nominal feuduty, it carried along with it, to the vassal, the power of removing the tenants, with their cattle, provided they be not native bondsmen. The right to these, and the power of reclaiming them, remained in the person of the lord of the soil, or feudal superior. Thus, in a valuable collection of ancient papers, we find a charter, by which one of the Roberts confers

<sup>1</sup> MS. *Monasticon Scotiæ*, p. 33; quoted in Chalmers's *Caledonia*, vol. i. p. 720, and MS. *Original Charters in Advocates' Library*, No. 27. See Dalrymple's *Fragments of Scottish History*, p. 26. See also *Cartulary of Kelso*, p. 9, as to the bondage of the labourers in the time of Alexander the First, and the *Cartulary of Dunfermline*, M'Farlane's *Transcript*, pp. 592, 593.

<sup>2</sup> *Cartulary of Inchaffray*, p. 36; quoted in *Annals of Scotland*, vol. i. p. 304.



upon Maria Comyn certain lands, "*cum licentia abducendi tenentes, cum bovis suis, a terris, si non sint nativi et ligii homines.*"<sup>1</sup>

In consequence of this certain and acknowledged right, in the feudal landlord or baron, to the property of his bondsmen, with their children and children's children for ever, it became a matter of great consequence to ascertain with exactness, and to preserve, the genealogy of this unfortunate class of men, in order that, upon any desertion or removal, the power of reclaiming them might be exerted with certainty and success. Accordingly, the cartularies present us with frequent examples of genealogies of this sort.<sup>2</sup> The names of these bondsmen are essentially different from the free-born vassals and tenants, who commonly took their names from their lands. In an ancient deed, entitled a perambulation to determine the boundaries between the lands of the Abbot of Dunfermline and those of David Doorward, which took place in the year 1231, under Alexander the Second, the names of the landholders and minor barons, and of the bondsmen who attended upon this occasion, are easily distinguishable from each other. We meet with Constantine de Lochor, and Philip de Loch, and many others, after which occur such uncouth appellatives as the following—Gillecostentin, Bredinlamb, Gilleserfmae Rolf, Gillecolmmacmelg, John Trodi, Riscloq, Beth MacLood, Gillepatric Macmanethin ;

<sup>1</sup> Haddington's Collections, quoted by Dalryel, Fragments, p. 27.

<sup>2</sup> Cartul. of Dunferm. pp. 145, 146. See Appendix, letter O.

and it may be noticed as a singular circumstance, which proves how different were the habits and customs of this degraded class from the freemen of the same country, that the father does not seem to have transmitted his name or surname to his children, or, at least, that this did not necessarily happen. In the genealogy of John Scoloc, which is preserved in the Cartulary of Dunfermline, the son of Patrick Stursarauch was Allan Gilgrewer, and the son of Allan Gilgrewer was John Scoloc.<sup>1</sup> It seems certain that no change in the situation of these bondsmen, by which they rose in eminence or opulence, could have the effect of removing them from their original degraded condition. They might enter the church and become clerks, or continue laymen, and pursue a successful career as artizans or merchants, but they were still as much slaves as before ; and, till the time they purchased or procured their liberty by the grant of their master, their persons, profits, and whole estate, belonged exclusively to him. This is strikingly exemplified in a convention preserved in the Cartulary of Moray, which took place between Andrew, the bishop of that see, and Walter Comyn. It was agreed, in this deed, that the Bishop of Moray, and his successors in the see, should have all the clerks, and two laymen, whose names were Gillemalovock Macknakengelle, and Sythac Macmallon ; these clerical and lay bondsmen, the deed proceeds to say, are to

<sup>1</sup> Cartulary of Dunfermline, p. 145. M'Farlane's Trans. See Appendix, P.

belong to the bishop and his successors, with their cattle, possessions, and children for ever ; while the Lord Walter Comyn is to have all the remaining lay bondsmen of the lands of Logykenny and Inverdrummyn.<sup>1</sup> It may, perhaps, be doubted whether the *clerici nativi* here spoken of, do actually mean bondsmen who have become clerks, or may perhaps merely signify bondsmen belonging to church lands. Yet the words of the deed, and the marked opposition in which we find the words *clerici et laici nativi*, seem to favour the meaning here attached to it.

In England, under the government of the conqueror, it was the mark of freemen, that they could travel where they chose ; and exactly the same criterion was established in our own country. In Domesday Book, a Norman baron, Hugo de Port, is mentioned as the master of two tenants, who, in the days of Edward the Confessor, might go where they pleased without leave. In like manner Robert Bruce, in the year 1320, grants a charter to Ade, the son of Aldan, in which he declares that it had been found, by an inquest held before his chamberlain and justiciary, that this person was not the king's slave or bondsman, but was at liberty to remove himself and his children, with their goods and chattels, to any part of the kingdom which he might select, at his own will and pleasure, without molestation by any one. On which account the king declares the said Ade, with his sons Beth, John, Ranald, and Duncan,

<sup>1</sup> Cartulary of Moray, pp. 53, 54. Appendix, O. Caledonia, p. 721.

to be his freemen, and as such not subject to any yoke or burden of servitude for ever.<sup>1</sup> As the master could reclaim his fugitive bondsman from any place to which he had transferred himself, so it was in his power alone to make his slave a freeman whenever he pleased. Thus, by a charter, dated at Perth on the 28th February, 1369, David the Second intimates to all concerned, that he has made William, the son of John, the bearer of these letters, who was his slave and bondsman, his freeman, and had emancipated all his posterity, so that he had full right, without trouble or molestation, to travel with his property and his children to whatever place he chose, and there take up his abode.<sup>2</sup> Many examples of the manumission of such unfortunate persons by their baronial masters, and still more frequent instances of the gift of freedom, conferred by the rich ecclesiastics and religious houses, are to be found in records of undoubted authenticity.<sup>3</sup> But the progress of freedom amongst the labourers of the soil was exceedingly slow and gradual; the names which are indicative of this degraded condition, such as na-

<sup>1</sup> Henshall's Specimens, p. 74. *Præter hoc habet Hugo duos homines tenentes dimidium solinum, qui poterant tempore Regis Edwardi ire quolibet sine licentia.* Domesday Book, 601. Robertson's Index to the Charters, Postscript, p. 54, and Index, p. 16. No. 26. In Robertson's Index, P.S. p. 54, will be found another curious deed, illustrative of the condition of the "*nativi homines*," which is taken from an original in the Advocates' Library.

<sup>2</sup> Robertson's Index, pp. 89, 47, 66.

<sup>3</sup> See Appendix, letter O.

tivi, servi, villani, homines fugitivi, bondi, mancipii, occur throughout the whole period of the thirteenth and fourteenth centuries; nor is it prior to the fifteenth that we can discern the extinction of slavery, and the complete establishment of individual freedom. In Scotland, bondage appears to have been sooner abolished than in the sister country. It continued in force in England as late as the year 1536; and its last traces are still discoverable in 1574, when a commission was issued by Elizabeth for the complete manumission of the last relics of bondsmen and bondswomen in her dominions.<sup>1</sup>

<sup>1</sup> Barrington on the Statutes, pp. 247, 351.

## SECTION III.

## ANCIENT PARLIAMENT OF SCOTLAND.

IN the course of these observations, a subject of high interest and importance now presents itself, the satisfactory elucidation of which would require many pages of careful and laborious investigation ; I mean the history and constitution of the Ancient Parliament of Scotland.

Long before the existence of the word parliament, or the mention of the three Estates of the kingdom, in our authentic histories or records, the sovereign of Scotland, like every other contemporary feudal monarch, was accustomed to consult, on occasions of solemnity and importance, with his high national council ; consisting of the bishops and abbots, the great officers of the crown, and the most powerful nobles and barons of the realm ; but nothing resembling a regular parliament is to be found during the reigns of Alexander the First, or of his brother David. The bold and imperious character of Alexander seems, indeed, to have stretched the royal prerogative to the utmost extent ; and, from the few and imperfect records of his short reign which yet remain to us, he appears to have been his own chief-councillor ; but it is more remarkable, that we look in vain for a parliament, or for any solemn assembly of the Estates of the realm, under the long reign of David the First,

although he has been pronounced by Buchanan, an impartial witness when kings are the subject, the most perfect model of a wise and virtuous prince. Yet David was undoubtedly a legislator ; and on one memorable occasion, the death of the heir-apparent, his only son, Prince Henry, he adopted the most solemn measures for the regulation of the succession.

It will, perhaps, be recollected by the reader, that, under the reign of Robert Bruce, when the death of the young Steward rendered necessary some new enactments regarding the succession to the throne, a parliament assembled, in which the entail of the crown was solemnly settled upon Robert the Second, and his descendants. Now, David the First, in 1152, had exactly the same task to perform as Bruce in 1318. But the mode in which it was executed was entirely different. He called no parliament. We do not even discover that he took the advice of his royal council, or of his nobility. But he assembled an army, of which he gave the command to one of the most powerful of his nobles, and, delivering to him his infant grandson, commanded him to march through his dominions, and to proclaim him heir to the crown ;<sup>1</sup> a circumstance from which there arises a strong presumption that, at this period, a parliament was unknown in Scotland.

Neither do we find this great council under the reign of his successor, Malcolm the Fourth. Hailes, indeed, in his Annals, informs us that Malcolm, with the advice of his parliament, gave his sisters, Ada and

<sup>1</sup> Simeon Dunelm. p. 280.

Margaret, in marriage to the Counts of Holland and Brittany; but the words of Fordun, if accurately understood, bear no such meaning. And the conjecture which the same author has added, in a note, is the true meaning: "*Malcolmus subsidio suorum et consilio*;" implies nothing more than that Malcolm, with the "assistance and advice of his nobles," married his sisters: and the assistance here spoken of was probably an aid or grant of money, given to the king to make up the marriage portions of the young princesses; but there is not the slightest proof that a parliament was assembled, during the reign of Malcolm, upon this, or upon any other occasion.<sup>1</sup>

In 1174, William the Lion, the successor of Malcolm the Fourth, having been taken prisoner by the English, after a short confinement at Richmond, was sent, by Henry the Second, to a more secure and distant dungeon at Falaise, in Normandy. The event called for an immediate interference of those upon whom the principal management of the government devolved; and it is too well known that, in the name of the nation, a disgraceful transaction took place, by which the king, with consent of the Scottish barons and clergy, purchased his liberty at the price of the independence of the country. The principal fortresses of the kingdom, and the most noble barons of the realm, were placed in the hands of the English king, as hostages for the performance of this treaty; yet this whole transaction, which gave liberty to a king, and extorted from the nobles an acknowledg-

<sup>1</sup> Fordun a Goodal, b. viii. c. 4. Hailes' Annals, vol. i. p. 107.



ment of feudal superiority in the English crown, was carried through without a parliament.

Upon the accession of Richard the First, that crusading monarch, anxious to collect money for his expeditions to the Holy Land, proposed to restore, to the same prince who had resigned it, the independence of the nation, upon payment of ten thousand merks, somewhat more than a hundred thousand pounds of our present money. This sum, we learn, from authentic evidence in the Cartulary of Scone,<sup>1</sup> was collected by means of an aid granted by the clergy and the nobles; and it is remarkable, that there is not the slightest mention of a parliament in the course of the whole transaction. Not long before his death, the same monarch concluded a peace with King John of England; by one of the articles of which he engaged to pay to this prince the large sum of fifteen thousand merks. This could not be done without assistance; and, when the term of settlement arrived, "a great council," says Fordun, "was held at Stirling, in which having requested an aid from his nobility, they promised to contribute ten thousand merks, besides the burgesses of the kingdom, who agreed to give him six thousand."<sup>2</sup> That this was a national council, and not merely a consultation of the king with his great officers, is, I think, evident, from an expression of Benedictus Abbas, when describing the consideration given by William to a proposal of Henry the Second, for a marriage between the Scottish prince

<sup>1</sup> Cartulary of Scone, f. 10. Hailes' Annals, vol. i. p. 132.

<sup>2</sup> Fordun a Goodal, lib. viii. c. 73.

and Ermingarde de Beaumont, as contrasted with the words used by Fordun. "*Rex, habito cum familiaribus consilio, tandem acquievit,*" are the words used by the first-mentioned historian;<sup>1</sup> and they are essentially different from the expression of Fordun.<sup>2</sup> Yet, upon what grounds shall we presume to call this great council a parliament, when no evidence remains to us that the spiritual Estate were assembled at all, or that a single burghess or merchant sat in the assembly, although the royal burghs, as towns belonging to the king, were obliged to contribute their share in the public burden?

We shall, I think, be completely confirmed in this opinion, by an examination of some of the great public transactions of the succeeding reign of Alexander the Second. Upon the marriage of this monarch with an English princess, Joan, the sister of Henry the Third, it naturally happened that many intricate discussions and grave and material stipulations took place; yet these, as well as the settlement of the jointure of the princess, were discussed, and finally concluded, without the intervention of a parliament. And the same observation may be made on the second marriage of this prince with Mary de Couci.<sup>3</sup> On another occasion, when Alexander, in 1224, levied an aid of ten thousand pounds, for providing portions to his sisters, it was certainly granted, or rather imposed upon the nation, by the simple order of the

<sup>1</sup> Benedictus Abbas, p. 448.

<sup>2</sup> Fordun a Goodal, vol. i. p. 529.

<sup>3</sup> Math. Paris, p. 411. Ed. Wats.

king, without the slightest appearance of a meeting of the three Estates, or even of the council of the king;<sup>1</sup> and although we are informed by Fordun, that the same monarch, immediately after his coronation, held his parliament at Edinburgh, in which he confirmed to the chancellor, constable, and chamberlain, the same high offices which they had enjoyed under his father,<sup>2</sup> the expression is so vague, and the notice so brief, that no certain inference can be deduced from it. On the contrary, although he was one of the wisest and most popular of our early kings, although statutes of his enactment have come down to us, and his reign is fertile in domestic troubles and in foreign war, a careful examination of our authentic historical records has failed to discover a single instance, if we except the above, in which a parliament was assembled; and the government appears to have been entirely directed and controlled by the will of the king, and the advice and assistance of the great officers of the crown. Upon the accession of Alexander the Third there was evidently no change in this respect. The important public measure of the marriage of their youthful king with a daughter of Henry the Third, the appointment of counsellors, who were intrusted with the management of the kingdom during the minority of the sovereign, and the frequent changes in the regency which occurred in the stormy commencement of this reign, were wholly carried through without a parliament.<sup>3</sup> But we shall not

<sup>1</sup> Fordun a Goodal, vol. ii. p. 53.

<sup>2</sup> Ibid. vol. ii. p. 34.

<sup>3</sup> Fordun a Goodal, vol. ii. pp. 84, 85, 90, 91. In the year 1259, we find in Math. Paris, p. 844, Ed. Wats. that W. de Horton, a

wonder at this, when one of the most important transactions of his reign, the settlement of the disputes with Norway, and the acquisition of the Western Isles, involving an intricate and laborious treaty with that kingdom, a grant of money, and a yearly payment of a hundred merks, was concluded entirely by the king. The words, "*habito super hoc maturo avisamento*," which are used by Fordun, cannot, by the utmost ingenuity, be construed into any thing more than a consultation between the king and his council.<sup>1</sup> The mode of considering the expediency of any public measure during this reign, appears to have been by the king holding a council, or colloquy, with the officers of the crown, and, probably, the most powerful of the nobility. In the year 1264, when the treaty with Norway was in agitation, Alexander held two colloquies of this kind at Edinburgh; and the accounts of the chamberlain inform us, that, on this occasion, the carcasses of twenty-seven cows, six calves, and fourscore of sheep, were sent to the capital for the consumption of the king's household.<sup>2</sup>

On the death of the prince of Scotland, and of his

commissioner from Henry the Third to the King of Scotland, on his arrival in that country, found the king and queen, and the nobility of the realm, assembled in parliament; but of this parliament we have no evidence in Fordun, or Winton, or any authentic record. It was in all probability a mere assembly of the court.

<sup>1</sup> Fordun a Goodal, vol. ii. p. 102.

<sup>2</sup> In viginti septem Carcosiis vaccarum et vi. vacc. et iiij<sup>xx</sup>. mul-tonibus empt. ad Servicium Dni Regis ad duo Colloquia que tenebantur apud Edinburgh, anno MCCLXIV. Chamberlain's Accounts, vol. i. p. 52. Computum vice com. de Edinburgh, Temp. Alex. III.

sister the Queen of Norway, events which left this monarch with an infant grandchild as the only heir to the crown, it became necessary for the peace and welfare of the kingdom, that there should be a solemn settlement of the succession ; and it is fortunate that, in two authentic historians, we have a clear although exceedingly brief account of this transaction. Winton informs us, that Alexander the Third " caused make a great gathering of the States at Scone ;" and, by an original and contemporary record in Rymer, it is shown that in this " gathering," which took place on the 5th February, 1283-4, the Scottish nobles bound themselves by a solemn oath to acknowledge Margaret, princess of Norway, as their lawful queen, failing any children of the monarch then on the throne, or of the prince of Scotland deceased.<sup>1</sup> The expressions used by Fordun in describing the same assembly, denominate it a council of the prelates and nobles of the realm.<sup>2</sup> Neither of these historians makes use of the word parliament in recording this event, nor is there the slightest evidence of the appearance of the representatives of the burghs upon this solemn occasion ; and, as Alexander the Third died soon after, we must conclude that, during his whole reign, there is no evidence that a parliament, in the sense in which that word was used in England under Edward the First, ever sat in Scotland. Upon the death of this mo-

<sup>1</sup> Winton, vol. i. p. 397, and Rymer, vol. ii. p. 1091, and 582. Winton is in an error in making this gathering of the states in 1285, as it appears in the *Fœdera* to have been held 5th February, 1283-4.

<sup>2</sup> Fordun a Goodal. vol. ii. p. 127.

narch, and the subsequent calamities in which the kingdom was involved by the ambition and injustice of Edward the First, we begin to discern something like the appearance of the great national council ; and it is a remarkable fact, that, from the greatest and bitterest enemy who ever coped with this country, we should have derived our first ideas regarding a regular parliament, composed of the prelates, barons, and representatives of the royal burghs. But this, as may be naturally conjectured, was not a sudden, but a gradual change, of which the history is both interesting and important. Immediately after the death of Alexander the Third, we are informed by Winton that there was a meeting of the Estates of Scotland, who held a parliament, in which they appointed six regents to govern the kingdom. It is remarkable that this is the first time that the word parliament is used by this historian ; but unfortunately no authentic record of its proceedings has been preserved ; and Fordun is even silent as to its existence.<sup>1</sup> With regard, however, to a meeting of the Estates of Scotland, which, not long after this, took place at Brigham, we are fortunately not so much in the dark, as the record of it is preserved, and proves beyond a doubt the exact constitution of the great national council or parliament in 1289. It consisted of the five guardians or regents, ten bishops, twelve earls, twenty-three abbots, eleven priors, and forty-eight barons, who address themselves to Edward under the title of the Community of Scotland ; and it is certain

<sup>1</sup> Winton, vol. ii. p. 10. Fordun a Hearne, p. 951.

that, in this parliament held at Brigham, there is not the slightest appearance of the representatives of the burghs ; an evident proof that, although called upon frequently to contribute their portion in the aids or grants of money which the exigencies of the kingdom required, they as yet had no place in the national council, and were not considered, in a legislative light, as part of the community of the realm.

In the solemn treaty regarding the marriage of the Prince of Wales and the Maiden of Norway, which was concluded at Brigham, one of the articles expressly stipulates, " that no parliament was ever to be held without the boundaries of Scotland ;" but the deed itself throws no light upon the composition of this national council. The death of the princess of Scotland, and the bold and unprincipled conduct of the English monarch, have been already detailed ; and as the various conferences preparatory to the decision of the great question of the succession took place in an English parliament, although attended by the whole body of the Scottish nobility, it would be improper to draw any material inferences from this part of our history illustrative of the constitution of the ancient Scottish parliament. Fordun,<sup>1</sup> indeed, has informed us, that the parliament of Scotland afterwards declared to Baliol, that he had been compelled to swear homage to Edward, " inconsultis tribus statibus regni." It is material, however, to observe, that when Edward, in the interval between the delivery of the Scottish fortresses, and the production

<sup>1</sup> Fordun a Goodal, vol. ii. p. 152.

of the claims of the competitors, took his progress through Scotland for the purpose of exacting a general homage, he called upon the burgesses of the realm to come forward and take the oaths of allegiance; and that the first record in which we find the names of this important class in the community is an English deed, and the first monarch who considered their consent as a matter of public consequence was an English sovereign.<sup>1</sup>

Upon the accession of Baliol to the throne, we have seen the premeditated harshness and intolerance with which he was soon treated by his new master; and it is remarkable, that in the parliament which was held by this unfortunate monarch immediately after these indignities had been offered him, there is the first authentic intimation that the *majores populi*, or chiefs of the people, formed a constituent part of this assembly.<sup>2</sup> This, therefore, is the first great national council in the history of our country, which is truly entitled to be called a parliament; the first meeting of the Estates, in which the clergy, the nobility, and the representatives or heads of the people, sat in deliberation upon the affairs of the country. It may, perhaps, be in the recollection of the reader, that its proceedings were of a very bold and determined description. They banished all Englishmen from Scotland, seized and confiscated the estates of

<sup>1</sup> Fœdera, vol. ii. p. 573. Prynn, pp. 502, 512.

<sup>2</sup> Fordun a Goodal, vol. ii. p. 153. Hemingford, vol. i. p. 75, gives a different description as to the constitution of this parliament, but I prefer Fordun's authority.



the Anglo-Scottish nobles, compelled Baliol to renounce his homage and fealty, and resolved upon an immediate war with England.<sup>1</sup> In addition to this, the same parliament negotiated a marriage between a daughter of France and the eldest son of their sovereign; and the public instrument which contains the treaty entered into between France and Scotland, upon this occasion, affords another proof that the towns and burghs had arisen at this period into a consideration to which till now they had undoubtedly been strangers. It contains a clause, which provides that it shall be corroborated by the seals and the signatures, not only of the prelates and nobles, but of the "*communitates villarum regni Scotiæ*," meaning, evidently, the royal burghs of the kingdom.<sup>2</sup> The expression in another part of the treaty is, "*Universitates et communitates notabiles regni*," which is equally clear and definite. I venture, therefore, to affirm, that as far as an examination of the most authentic records which have yet been discovered, entitles us to judge on the subject, the first appearance of the royal burghs as an integral part of the Scottish parliament, is to be found under the third parliament of Baliol; and that we probably owe their admission into the great national council to our bitter enemy, Edward the First. Could we discover the original record of this important parliament, the question would at once be set at rest; but the ex-

<sup>1</sup> Vol. i. pp. 106, 107, 108.

<sup>2</sup> Rymer's *Fœdera*, vol. ii. p. 696.

pression of Fordun, and the positive proof of the appearance of the burghs in the treaty with the King of France, appear to be conclusive upon the point.

In the long train of national calamities which followed this alliance with Philip, we do not once meet with any event which throws light upon the constitution of our ancient parliament, till the period when Edward, after the death of Wallace and the surrender of the castle of Stirling, in the premature belief that his Scottish wars were ended, proceeded to organize a final settlement of his conquest. Upon this occasion, the persons whom he consulted were, the Bishop of Glasgow, Robert Bruce, afterwards king, and John de Moubrai. By their advice, he issued an ordinance, directing that the "Community of Scotland," meaning the states of the realm, should assemble at Perth on the 28th of May, 1305, in order to elect ten commissioners, who were to repair to the English parliament, which was to be held at London. This number of ten persons, who were vested with full powers from the Scottish parliament, was to include two bishops, two abbots, two earls, two barons, and two members to represent the "Commune," or community of burghs; a very clear and satisfactory proof, that their right to be represented in the great national council was now distinctly recognised, and that they stood in this respect upon the same ground as the two other Estates of the kingdom.<sup>1</sup> It is especially unfortunate that no au-

<sup>1</sup> Palgrave's *Parliamentary Writs*, Introductory Chronological Abstract, p. 66.

thentic record has come down to us, of the proceedings of the Scottish parliament in which these ten commissioners were elected ; but it may be presumed that the representatives of the burghs sat in the national council at Perth, and elected the two commissioners, who were to appear for them in the English parliament at London. From this period till the year immediately subsequent to the battle of Bannockburn, no parliament sat in Scotland. Perhaps it is more correct to say, no record of any has been preserved, because an important council of the clergy, which was held at Dundee, and in which a solemn instrument was drawn up respecting the succession to the crown, gives us some ground for supposing that about the same time a meeting of the three Estates had taken place. In the year 1315, Bruce, whose only child was a daughter, yet unmarried, judging it prudent to settle the succession, assembled a parliament at Ayr, on the 26th April, 1315; and we know, from the authentic evidence of the instrument drawn up at this time, that the heads of the communities, or burghs, sat in this parliament, and affixed their seals to the deed, along with the prelates, earls, and barons, who were convoked upon this solemn occasion.<sup>1</sup> No other meaning can be affixed to the passage which affirms that the prelates, earls, barons,

<sup>1</sup> Fordun a Goodal, vol. ii. p. 258. Robertson's Index to the Charters, Appendix, pp. 7, 8. The original deed is now lost, although it appears to have been in the hands of Sir James Balfour, who made the copy which now exists amongst the Harleian Manuscripts, No. 4694.

and heads of the communities or royal burghs, "*Majores communitatis*," had appended their seals to the instrument.

The same observations may be made regarding the parliament which met at Scone in the year 1318, after the death of King Edward Bruce in Ireland; in which it was deemed necessary, by King Robert, to introduce some new regulations regarding the same subject,—the succession to the crown.<sup>1</sup> Of this assembly of the Estates, as of the former, no original record remains; but the presence of the "communities" or burghs is proved by the copy of the original deed, which is preserved amongst the Harleian Manuscripts.

In like manner, strong evidence is afforded by the famous letter of remonstrance, which was addressed to the Pope in the year 1320, that the burghs were now considered as an integral part of the parliament. This epistle was drawn up in a parliament held at Aberbrothock; and, after enumerating in its exordium the names of the prelates, earls, and most noted of the barons present, it adds, "*the libere tenentes ac tota communitas regni Scotiæ*."<sup>2</sup>

Hitherto, as far as the history of the ancient parliament of Scotland has been examined, we have been compelled to be contented with such passages as afford, not indeed conclusive evidence, but certainly strong presumptions, that from the period of the reign of Baliol, the representatives of the burghs appear to

<sup>1</sup> Fordun a Goodal, vol. ii. p. 290. Robertson's Index, Appendix, p. 9.

<sup>2</sup> Fordun a Goodal, vol. ii. p. 275.

have been admitted into the great national council. But we have now reached the parliament which was held by Bruce at Cambuskenneth in 1326; and although, with the many other precious instruments which might have thrown a flood of light upon the obscure paths through which we have been travelling, the original record of this assembly of the Estates has perished, an indenture has been preserved, which proves, beyond a doubt, that, besides the earls, barons, and freeholders, or *libere tenentes*, the representatives of the burghs sat in this parliament, and formed the third Estate of the national council.<sup>1</sup> The expressions of the historian, Fordun, upon this occasion, are different from what he generally uses: "In this year," says he, "at Cambuskenneth, the clergy of Scotland, with the earls, barons, and whole body of the nobles, along with the people there assembled, took the oaths of allegiance and homage to David, the son and heir of their king." It may be conjectured that, on such an occasion, Bruce, whose health was fast declining, might be naturally desirous that the oaths to his son and successor should be tendered in the midst of the most numerous and solemn concourse of his people. It may be presumed, therefore, on very strong grounds, that the chief men of every burgh in the kingdom would be admitted into the parliament at Cambuskenneth.

This is the last parliament of Bruce, regarding which we have any certain account. There can be

<sup>1</sup> This indenture is printed in Kaim's Law Tracts, Appendix, No. 4. Fordun a Goodal, vol. ii. p. 237.

little doubt, however, that a parliament was assembled at Edinburgh, in which the peace of Northampton, which for ever secured the independence of the kingdom, was debated on, and finally adjusted; as we know that a treaty was concluded at Edinburgh, on the 17th of March, 1327, which was afterwards ratified by Edward the Third at Northampton, on the 4th of May, 1328. It is satisfactory to find that the expressions of this treaty clearly demonstrate that the burghs had been consulted in its formation. It is said to be concluded with consent of the prelates, earls, barons, and other heads of the communities of the kingdom of Scotland.<sup>1</sup>

In that disgraceful parliament held by Edward Baliol at Edinburgh, in 1333, in which this prince gave up the independence of the nation, and, by a solemn instrument, actually dismembered the kingdom, and annexed a great portion of its territory to England, the burghs did not appear.<sup>2</sup> It is evident, indeed, from the account of it preserved in the original record in the *Fœdera*, that the assembly was not properly a parliament, but a meeting of Baliol's adherents, held under the direction and control of Geoffrey Scrope, chief justice of England.

From this period, for more than twenty years, the history of the country presents us with a frightful picture of foreign and domestic war; of the minority and captivity of the sovereign; and the intrigues and treasons of the nobles: with the enemy constantly at

<sup>1</sup> Robertson's Index, p. 103.    <sup>2</sup> Rymer's *Fœdera*, vol. iv. p. 590.

their gates, and fighting daily for their existence as a people; no parliament appears to have been assembled; and the different regents who successively held the reins of government were summarily chosen by the voices of the few nobles who continued to struggle for their liberty.<sup>1</sup> There is not preserved to us a single document from which we can conclude that the prelates, the barons, and the community of burghs, ever sat together in parliament during the whole of this disastrous period; but, to this era of obscurity and darkness, there succeeds a gleam of light, which suddenly breaks in upon us in the negotiations for the ransom of the captive king, and sets the question, as to the constitution of the Scottish parliament in 1357 very nearly at rest. In a parliament held this year at Edinburgh, we know, from the original instrument preserved in the *Fœdera*,<sup>2</sup> that the representatives or delegates of the seventeen royal burghs formed the third Estate in this great council; and that, when the prelates and the barons chose their respective commissioners to carry through the final arrangement regarding the restoration of their king, and the payment of his ransom, the royal burghs no-

<sup>1</sup> In Fordun, b. xiii. c. 22, 25, 27, there are notices of the election of the Earl of Mar as regent, in a parliament held at Perth, 1332, and of the same high office being conferred, successively, on Sir Andrew Moray of Bothwell, in the same calamitous year, and on Archibald Douglas, in 1333; but the times were full of war and trouble, and all record of these elections has perished.

<sup>2</sup> *Fœdera*, vol. vi. pp. 43, 44, 45. It is evident, I think, that the royal burghs also sat in the parliament held at Perth on the 17th January, 1356-7.

minated, for the same end, eleven delegates, to whom the most ample powers were intrusted.<sup>1</sup>

It would have been impossible indeed for the nation to have paid the enormous ransom which was then exacted by England, without the assistance of the class of the community which, next to the clergy, possessed the greatest command of ready money. It is important to observe that, in the record of the proceedings of this national council, which may be said to be the first Scottish parliament in which there is unquestionable evidence of the presence of the boroughs as the third Estate, the expressions employed in the instrument in Rymer are exactly the same as those which I have considered as demonstrative of the presence of the royal burghs in the parliaments of Baliol and Bruce. "*De consensu et voluntate omnium comitum, procerum, et Baronum et Communitatis regni Scotiæ.*"<sup>2</sup> The records of the parliaments which were held by David after his return to his dominions in 1363 at Scone, are so mutilated and imperfect, that we are only able to say that the three

<sup>1</sup> *Supra*, p. 113.

<sup>2</sup> The consideration into which the burghs or the merchants of Scotland had arisen during these tedious negotiations for David's liberty, which called for an immediate supply of money, is evident from a deed in Rymer, vol. v. p. 723, in which the clergy, nobles, and merchants of Scotland, gave their oaths for the fulfilment of certain conditions. It is dated 1351. And again, in the abortive treaty for the king's ransom, which was concluded in 1354, and which will be found in Rymer, vol. v. p. 793, certain merchants and burgesses of Aberdeen, Perth, Dundee, and Edinburgh, became bound for the whole body of the merchants of Scotland.



Estates were present;<sup>1</sup> but in the original record of the parliament held at Perth in 1364, it is not only certain that the representatives of the royal burghs formed the third Estate, but the names of the worthy merchants who filled this important situation have been preserved.<sup>2</sup> Again, in a parliament held at Scone on the 20th July, 1366, we find it stated in the initiatory clause, that it consisted of those who were summoned to the parliament of the king according to ancient use and wont, namely, the bishops, abbots, priors, earls, barons, and free tenants, who hold of the king *in capite*, and certain burgesses who were summoned from each burgh to attend at this time; whilst, in a subsequent meeting of the great national council in the autumn of the year 1367, we find the earliest appearance of those committees of parliament which became afterwards so common, and, in all probability, gave rise to the later institution of the Lords of the Articles. It is stated that, in consequence of its being held at this season, "*causa autumni*," certain persons had been elected to hold the parliament, while permission was given to the rest of the members to return to their own business.<sup>3</sup> On this occasion thirteen burgesses were chosen by their brethren; the burghs of Edinburgh, Aberdeen, Perth, Dundee, Montrose, and Haddington, each being represented by two burgesses, and the burgh of Linlithgow by a single delegate. The ex-

<sup>1</sup> Robertson's Parliamentary Records, pp. 96, 100.

<sup>2</sup> Ibid. p. 101.

<sup>3</sup> Ibid. pp. 105, 108.

pense and inconvenience occasioned by a summons to attend as members of the great national council, are apparent in the record of a parliament which assembled at Scone, on the 12th of June, 1368, and of a second meeting of the three Estates, which took place at Perth on the 6th of March of the same year. In the first the practice of obtaining a leave of absence, and sending commissioners in their place, appears to be fully recognised; and in the second we find the same measure again adopted, which is above alluded to, of making a selection of a committee of certain members, to whom the judicial business of the parliament, and the task of deliberating upon the affairs of the country, were intrusted, leave being given to the rest of the members to take their departure, and attend to their own concerns. It has been already remarked,<sup>1</sup> that, in the last parliament of David the Second, which was held at Perth on the 18th of February, 1369, this new practice of choosing committees of parliament was carried to a dangerous excess. To one of these committees, composed of six members selected from the clergy, fourteen of the barons, and six of the burgesses, was committed the decision of all judicial pleas and complaints, which belonged to the parliament; and to the other, which included in its numbers the clergy and the barons, alone, was intrusted the consideration of certain special and secret affairs touching the sovereign and the kingdom, which it was thought expedient should be

<sup>1</sup> History, vol. ii. p. 187.

discussed by them alone previous to their coming to the knowledge of the great council of the nation.<sup>1</sup>

I have endeavoured to trace the history of the ancient constitution of our Scottish parliament from the earliest appearance of a national council to the era of the full admission of the burghs as a third Estate. Guided in our investigation by the sure light of authentic records and muniments, or of almost contemporary historians, we have seen the earliest appearance of the commons or burghs under Baliol, their increased consequence in the conclusion of the reign of Bruce, and their certain and established right of representation during the reign of David the Second ; and, in concluding this division of our subject, it may be remarked, that the employment of the great national council, in a judicial as well as a legislative capacity, cannot be traced to an earlier period than the reign of this monarch. The elucidation of its subsequent history, under the princes of the house of Stewart, will appear in its own place.

<sup>1</sup> Robertson's Parliamentary Records, p. 117.

## SECTION IV.

## EARLY COMMERCE AND NAVIGATION.

IN the course of these observations upon the condition of the country during this remote period of our history, its commercial wealth, and the state of its early manufactures, are subjects of high national interest, upon which it will be necessary to offer some remarks ; and both points are so intimately connected with the navigation of the country, that it will be impossible to advert to the one without attending to the other. The high prosperity of the kingdom under the reign of Alexander the Third has already been noticed ; and there is even reason to believe that, at an infinitely more remote period, the Scots had established a commercial intercourse with the Continent, and, in the end of the sixth century, imported fine linen from foreign parts.<sup>1</sup> Under the reign of Macbeth, a monarch whom the patient research of our antiquaries has rescued from the region of fable, and the immortal libels of Shakspeare, the kingdom was wealthy ; and, from the discovery of large quantities of money, coined by Canute, the almost contemporary king of England, we may infer the existence of some foreign commerce. It is certain that, in a pilgrimage to Rome, this king exhibit-

<sup>1</sup> Macpherson's Notes on Winton, vol. ii. p. 479.

ed a liberality, in distributing money to the poor, which was considered remarkable even in that rich resort of opulent pilgrims.<sup>1</sup> The rich dresses which were imported by Malcolm the Third; the Asiatic luxuries of Alexander the First; and the grant by Edgar, to the church of Durham, of the duties on ships which entered the ports of a certain district in his dominions; all denote the existence of a trade with foreign countries.

Under the subsequent prosperous and able reign of David the First, the evidence of the cartularies, and the minute and interesting details of his friend and faithful biographer, Ethelred, enable us to form some idea of the commercial wealth of the nation. Scotland was, at this period, visited by many foreign ships; and the merchants of distant countries traded and exchanged their commodities with the opulent burghers and merchants. It was the praise of this monarch, to use the language of Fordun, "that he enriched the ports of his kingdom with foreign merchandise, and to the wealth of his own land added the riches and the luxuries of foreign nations; that he changed its coarse stuffs for precious vestments, and covered its ancient nakedness with purple and fine linen."<sup>2</sup> In his reign the ports of Perth, Stirling, and Aberdeen were the resort of foreign merchant ships, which paid certain duties to government before they were permitted to trade; and out of the sums thus

<sup>1</sup> A. D. ML. "Rex Scotiæ Machetad Rome argentum seminando pauperibus distribuit." Marianus Scotus. Macpherson's Notes on Winton, vol. ii. pp. 469, 479.

<sup>2</sup> Fordun a Goodal, vol. i. p. 305.

collected, the king, who greatly favoured the church, gave frequent grants to the monasteries and religious houses.<sup>1</sup>

One great cause of the wealth and prosperity of Scotland during those early times, was the settlement of multitudes of Flemish merchants in the country, who brought with them the knowledge of trade and manufactures, and the habits of application and industry which have so long characterised this remarkable people. These wealthy citizens had been welcomed into England by the wisdom of Henry the First, and had settled upon the district contiguous to the Marches, from which they gradually spread into the sister country during the reign of Alexander the First. In 1155, Henry the Second, with angry and shallow policy, banished all foreigners from his dominions;<sup>2</sup> and the Flemings, of whom there were then great numbers in England, eagerly flocked into the neighbouring country, which offered them a near and safe asylum. Here, without losing their own particular tendency to make money by trade, and to establish commercial settlements, they accommodated themselves to the warlike habits of the people, and willingly served in the king's army;<sup>3</sup> whilst, at the same time, their wealth and industry as traders, fishers, manufacturers, and able and intelligent craftsmen, made them excellent instruments, in the hands of David the First, for humanizing and ameliorating

<sup>1</sup> Dalrymple's Collections, p. 386.

<sup>2</sup> Brompton, pp. 1043, 52.    <sup>3</sup> Gulielmus Neubrigensis, p. 232.

the character of his people, and introducing amongst them habits of regular civil occupation. We can trace the settlement of these industrious citizens, during the twelfth and thirteenth centuries, in almost every part of Scotland; in Berwick, the great mart of our foreign commerce; in the various towns along the east coast; in St Andrews, Perth, Dumbarton, Ayr, Peebles, Lanark, Edinburgh; and in the districts of Renfrewshire, Clydesdale, and Annandale. There is ample evidence of their industrious progress in Fife, in Angus, in Aberdeenshire, and as far north as Inverness and Urquhart. It would even appear, from a record of the reign of David the Second, that the Flemings had procured from the Scottish monarchs a right to the protection and exercise of their own laws.<sup>1</sup> It has been ingeniously conjectured, that the story of Malcolm the Fourth having dispossessed the ancient inhabitants of Moray, and of his planting a new colony in their stead, may have originated in the settlement of the Flemings in that remote and rebellious district.<sup>2</sup> The early domestic manufactures of our country, the woollen fabrics which are mentioned by the statutes of David,<sup>2</sup> and the dyed and shorn cloths which appear in the charter of William the Lion to the burgh of Inverness,<sup>3</sup> must have been greatly improved by the superior dexterity and knowledge of the Flemings; and the constant commercial inter-

<sup>1</sup> Robertson's Index, p. 61.

<sup>2</sup> Chalmers's Caledonia, vol. i. p. 628.

<sup>3</sup> See the charter of William the Lion to the royal burgh of Perth, in Cant's Muse's Threnodie, vol. ii. p. 6.

course which they kept up with their own little states, could not fail to be beneficial in importing the knowledge and the improvements of the Continental nations into the remoter country where they had settled.<sup>1</sup>

The insular situation of Scotland, and the boisterous seas and high rocky coasts which defend it, must have early accustomed its inhabitants to direct their attention to the arts of ship-building and navigation. Other causes increased this. The early intercourse and colonization of the Western Islands, and of the mainland districts of Caithness and Sutherland by the Norwegians, the constant piratic expeditions and naval battles which took place between this powerful people, and the independent sea kings who broke off from their dominion, could not fail to nurse up a race of hardy sailors, and intelligent mercantile adventurers; and these, on becoming subjects and vassals of the Scottish kings, brought with them a stock of courage, skill, and enterprise, which was of the highest value to the nation. It is singular, too, that in these remote islands, when under the dominion of the Norwegians, there is reason to believe that the arts and manufactures had been carried to a high pitch of excellence. The Hebridean chiefs, in the exercise of piracy, the principal source of their wealth, and then esteemed an honourable profession, had made descents upon most of the maritime countries of the west of Europe, had become acquainted with the

<sup>1</sup> Macpherson's *Annals of Commerce*, vol. i. p. 403.



navigation of their seas, and carried off, to their island homes, the silks, the armour, the golden vases, the jewelled ornaments, and the embroidered carpets and tapestry which they plundered from the castles, churches, and palaces of the west.<sup>1</sup> Their skill in navigation, and the formidable fleets which they could launch against their enemies, are attested in many passages of their own historians. Alan Lord of Galloway, one of those independent princes who often disdained to acknowledge the sovereignty of Scotland, fitted out a fleet of a hundred and fifty ships, and drove Olave the Black King of Man from his dominions.<sup>2</sup> At an era anterior to this, Reginald Somerlid, who was then the king of Man, was so opulent as to purchase the whole of Caithness from William the Lion, an exception being specially made of the yearly revenue due to the sovereign.<sup>3</sup> Ewen of Argyle, one of these island chiefs, agreed, at a very early period, probably towards the conclusion of the reign of Alexander the Second, to pay to the Scottish monarch an annual tribute of three hundred and twenty merks.<sup>4</sup>

Instructed by the vicinity of such enterprising navigators, and aware of the high importance of a naval force, our early sovereigns made every effort to attain it. Alexander the Second, who died on the expedition

<sup>1</sup> Macpherson's *Annals of Commerce*, vol. i. pp. 278, 279.

<sup>2</sup> *Torfæi Orcades*, lib. ii. This happened in 1231.

<sup>3</sup> *Chronicon Manniæ*, apud Johnston, *Antiquitates Celto-Normannicæ*, p. 52. This happened in 1196.

<sup>4</sup> *Ayloff's Calendar of Ancient Charters*, p. 336.

which he had undertaken against Angus of Argyle, had collected a naval force, which, by the author of the *Chronicle of Man*, is denominated a great fleet; and there is reason to believe that, during his reign, as well as under that of his predecessor William, the navy of the country became an object of royal attention and encouragement.<sup>1</sup> In the year 1249, Hugh de Chastillon, Earl of St Paul, one of the richest and most powerful of the French barons, consented to accompany Lewis the Ninth to the Crusade; and it is certain that the ship which was to have borne him and his vassals to the Holy Land was built, by his orders, at Inverness. We are entitled to infer from this remarkable fact, that the ship carpenters of Scotland had acquired a reputation at this period which had made them celebrated even in foreign countries; and it furnishes another proof of those vast forests of oak and fir which at this period covered the greater part of the north of Scotland.<sup>2</sup>

In naval and commercial enterprise, as in all the other arts and employments which contributed to increase the comforts and the luxuries of life, the clergy appear to have led the way. They were the greatest shipowners in the country; and the Cartularies contain frequent exemptions from the duties generally levied on the merchantmen who imported foreign manufactures, which are granted to the ships of the bishops, abbots, and priors, who embarked the wealth

<sup>1</sup> *Chronicon Mannie*, p. 36.

<sup>2</sup> *Math. Paris*, p. 668. Ed. Wats.

of their religious houses in these profitable speculations. At this period the staple exports of Scotland seem to have been wool, skins, hides, and salted fish, in which there is evidence of a flourishing and constant trade.<sup>1</sup> For live stock also, embracing cattle, horses, and the indigenous sheep of the country, there seems to have been a frequent foreign demand ; but the woollen and linen manufactures were too coarse to compete with the finer stuffs of England, Flanders, and Italy, and were probably exclusively employed for the clothing of the lower classes. Still, there is ample proof that, limited as was this list of exports, the wealth of the country, even in those districts which were considered especially wild and savage, was very considerable. Under William the Lion, Gilbert, the lord of Galloway, was able, from the resources of his own exchequer, to offer to pay to Henry the Second a yearly tribute of two thousand merks of silver, five hundred cows, and five hundred swine.<sup>2</sup> From the account which has already been given of the wealth of the royal revenue under our early kings, and of the large sums of money expended on various public occasions by David, William, Alexander, and Malcolm the Fourth, we must infer a correspondent increase of wealth in the different classes of the kingdom, especially in the mercantile and trading part of the community ; and it is not improbable that many of these

<sup>1</sup> Rymer's *Fœdera*, vol. iii. p. 95. Rymer, *Coll. MS.* vol. ii. p. 287, in M'Pherson's *Annals of Commerce*, vol. i. p. 436.

<sup>2</sup> This was in 1174. Benedictus Abbas, *De vita Henrici II.* p. 93.

sums were partly contributed by an aid which was levied from the different orders of the state, although, if we except a very few instances, all records of such grants have been lost. On one memorable occasion, where William the Lion had engaged to pay to John of England fifteen thousand merks, we have seen that the burghs contributed six thousand, a sum equal to more than sixty thousand pounds of our present money;<sup>1</sup> and the large sums collected, or rather extorted, by the Papal legates during the reign of Alexander the Second, evince very considerable wealth at this period.<sup>2</sup> A poor country would not have attracted such frequent visits from those insatiable emissaries of the Pope; and his Holiness not only continued his extortion under the reign of Alexander the Third,<sup>3</sup> but appears to have been highly incensed when the ambition of Edward the First interfered with his cupidity. The mercantile wealth, and the general prosperity of the kingdom during the reign of Alexander the Third, have been already noticed; and the arrival of the Lombard merchants with a proposal of establishing settlements in Scotland, is an event which itself speaks a high degree of progress in mercantile wealth and opulence. The repeated shipwrecks of merchantmen, and the loss of valuable cargoes, which are described as being far more frequent in this reign than before, were evidently occasioned by the increased spirit of commercial ad-

<sup>1</sup> Fordun a Goodal, vol. i. p. 529.

<sup>2</sup> Math. Paris, a Wata. pp. 631, 422, 481, 509.

<sup>3</sup> Fœdera, vol. i. pp. 552, 553, 582, 608, 609. Fordun a Goodal, vol. ii. p. 122.

venture. Voyages had become more distant, the various countries which were visited more numerous, the risks of loss by piracy, tempest, or arrestment in foreign ports, more frequent ; and it is a remarkable circumstance that the king, in consequence of this, became alarmed, and published an edict, by which he forbade the exportation of any merchandise from his dominions ; “ which measure,” observes the ancient historian, “ was not carried into execution without difficulty ; and a year had not expired, when the vessels of different nations, laden with merchandise, came into our ports, anxious to exchange their commodities for the productions of our country ; upon which it was enacted that burgesses alone should be permitted to engage in traffic with these new comers.” It is evident from all this, that the Scottish exports were in great demand in foreign markets ; and the short-sighted policy of Alexander in suddenly stopping the trade which was thus carried on, created a strong sensation even in foreign countries, and occasioned an immediate resort of foreign vessels into the Scottish ports. Upon this occasion the Lombards, in their proposals to erect factories in Scotland, evidently intended to step into the lucrative trade which the Scottish merchants, in consequence of the new edict of the king, were no longer permitted to carry on.<sup>1</sup>

One of the most interesting subjects connected

<sup>1</sup> Fordun a Goodal, vol. ii. p. 130. The places where the Lombards proposed to make their settlements, were on the hill above Queensferry, or on one of the islands near Cramond.

with the trade and early commerce of the kingdom is the rise of the towns and royal burghs, and the peculiar circumstances which induced our kings to bestow so many privileges upon these early mercantile communities. It is evident that the Celtic inhabitants of the country were averse to settle or congregate in towns; and that, as long as Scotland continued under a purely Celtic government, the habits of the people opposed themselves to any thing like regular industry or improvement.<sup>1</sup> Even so late as the present day, the pacific pursuits of agriculture, the labours of the loom, or the higher branches of trade and commercial adventure, are uncongenial to the character of this unsettled, though brave and intrepid, race; and the pages of contemporary and authentic historians bear ample testimony to the bitter and inveterate spirit with which they resisted the course of civilisation, and the enlightened changes introduced by our early kings. So much, indeed, is this the case, that the progress of improvement is directly commensurate with the gradual pressing back of the Celtic population into the remoter northern districts, by the more industrious race of the Saxons and the Anglo-Normans.

In this enquiry, a description has already been given of the royal and baronial castles of Scotland in those remote periods, and of the clusters of hamlets which arose under their walls, inhabited by the retainers of the prince or the noble upon whose bounty they lived, and whose power protected them from

<sup>1</sup> Fordun a Goodal, vol. i. p. 44.

molestation. To these small villæ, and to the security which they enjoyed from the vicinity of the castle, is to be traced the first appearance of towns in Scotland, as in the other countries of Europe. Nor were the rich religious houses less influential than the royal and baronial castles; for their proprietors, themselves the most opulent and enterprising class in the community, encouraged the industry of their numerous vassals, and delighted to see the houses and settlements of wealthy and industrious artisans arising under the walls of their monastery.<sup>1</sup> The motives for the care and protection extended to such infant villages and communities are easily discoverable, if we recollect the description already given of the condition of a great portion of the lower orders of the people, out of which class the manufacturers and traders arose. They were slaves; and their children, their wealth, and the profits of their industry, exclusively belonged to their lords: so that a settlement of wealthy manufacturers, or a community of successful and enterprising artisans, under the walls of a royal castle, or rich abbey, or within the territory of a feudal noble, was just so much money added to the revenue of the king, the baron, or the abbot.<sup>2</sup> As wealth increased with security and industry, the inhabitants of these communities began gradually to purchase their liberty from their lords,<sup>3</sup> and to form themselves into insulated associa-

<sup>1</sup> Honard, *Traité sur les Coutumes Anglo-Normandes*, vol. ii. pp. 361, 362. Ducange, *Gloss. voce Communia*.

<sup>2</sup> *Ibid.* pp. 389, 408. *Cartulary of Kelso*, pp. 209, 221.

<sup>3</sup> In the Appendix to *Lye's Saxon and Gothic Dictionary*, No. V.

tions ; which, from their opulence, were able to bribe the sovereign to grant them peculiar privileges.<sup>1</sup> Into these bodies, freedom, and the feeling of property, soon infused an additional spirit of enterprise, and transformed their members from petty artisans into opulent merchants, whose transactions embraced, as we have seen, a respectable commercial intercourse with foreign countries.

It was soon discovered by the monarchs of Scotland, that these opulent communities of merchants formed so many different points, from which civilisation and improvement gradually extended through the country ; and the consequence of this discovery was, their transformation, by the favour of the sovereign, into chartered corporations of merchants, endowed with particular privileges, and living under the especial protection and superintendence of the king.<sup>2</sup>

In this manner, at a very early period, royal burghs arose in Scotland. The various steps of this progress were, in all probability, nearly the same as those which are pretty clearly seen in the diplomatic collections and ancient muniments of different

published by Mr Manning, we find a very early instance of this, entitled, "*Testificatio Manumissionis Aelwigi Rufi.*" It is as follows : "*Hic notificatur in hoc Christi libro. quod Aelfwig Rufus Redemit seipsum de Aelfgo abbate, et toto conventu, cum una libra. Cujus est in testimonium totus conventus in Bathonia. Christus eum eccæcet, qui hoc scriptum perverterit.*" Aelfsigus was abbot between 1075 and 1087.

<sup>1</sup> Madox, *History of the Exchequer*, pp. 231, 275, 278, folio ed.

<sup>2</sup> Houard's *Anciennes Loix des François*, vol. i. p. 235.



European kingdoms; the hamlet growing into the village; the village into the petty town; and this last into the privileged and opulent borough: and it is evident that our kings soon found, that the rise of these mercantile communities, which looked up to the crown for protection, and repaid it by their wealth and their loyalty, formed a useful check upon the arrogance and independence of the greater nobles.<sup>1</sup> It is probably on this account, that the rise of the burghs was viewed with great jealousy in France; and that their introduction into that kingdom is described, by a contemporary author, "as an execrable invention, by which slaves were encouraged to become free, and to forget their allegiance to their master!"<sup>2</sup>

At a very early period in our history, the superior intelligence, and the habits of industry of the English people, induced our kings to encourage the tradesmen and the merchants of this nation to settle in these infant towns and communities. This policy seems to have been carried so far, that, in 1173, under William the Lion, the towns and boroughs of Scotland are spoken of, by an English historian, as almost exclusively peopled by his countrymen;<sup>3</sup> and so late as the time of Edward the First, when this king, previous to his decision of the question of the succession, made a progress through Scotland, and compelled the inhabitants to take the oath of homage, the proportion

<sup>1</sup> Fordun a Goodal, vol. i. p. 305.

<sup>2</sup> Ducange, Glossar. voce Communia.

<sup>3</sup> Gulielm. Newbrig. lib. ii. c. 34.

of English names in the Scottish boroughs is very great.<sup>1</sup>

The earliest boroughs which appear in Scotland cannot be traced to a remoter period than the reign of our first Alexander, under which monarch we find Edinburgh, Berwick, Roxburgh, and Stirling; to these Inverkeithen, Perth and Aberdeen, Rutherglen and Inverness, were added in the course of years; and the policy of David the First, of William the Lion, and of the monarchs who succeeded him, had increased the number of these opulent mercantile communities, till, in the reign of David the Second, we find them extending to seventeen. These royal burghs, and the lands which were annexed to them, were the exclusive property of the king, sometimes held in his own hands, and possessed in demesne, but more generally let out to farm. In this respect, the condition of the towns and burghs of England in the time of the Conqueror, as shown in Domesday Book, was nearly similar to the state in which we find them in Scotland, from the reign of Alexander the First, to the accession of Robert the Second.<sup>2</sup> For the houses and factories possessed by the merchants, a certain rent was due to the exchequer; and previous to their appearance as a third Estate in the great national council, the king appears to have had a right of calling upon his boroughs to contribute aids or grants of money out of their coffers on any occasion of emergency.<sup>3</sup> The

<sup>1</sup> Prynn's *Edward the First*, pp. 653, 663, inclusive.

<sup>2</sup> Macpherson's *Annals of Commerce*, vol. i. p. 297.

<sup>3</sup> Fordun a Goodal, vol. i. p. 529.

Cartularies are full not only of grants from successive kings to new settlers, of lands in their various boroughs, with the right of building on them, and of *tofts* or small portions of pasture and arable ground, but of annuities payable out of the royal farms, and pensions from the census of their burgesses, which testify the exclusive property of the sovereign in these infant mercantile communities.<sup>1</sup> At a very early period these communities enjoyed a right of determining, in a separate court of their own, all questions or disputes which might arise amongst their mercantile subjects ; and in addition to this privilege, a right of appeal lay from the decision of the individual court of the borough, to a higher tribunal, which was denominated the Court of the Four Boroughs, and which owes its institution to the wisdom of David the First. The boroughs which composed it, were the four oldest in the kingdom, Berwick, Roxburgh, Stirling, and Edinburgh ; and it was the duty of the Chamberlain of Scotland to hold a court or *ayr*<sup>2</sup> once every year, at Haddington, to which the four boroughs sent four commissioners, for the purpose of hearing and deciding upon the appeals brought before them.

It seems to be certain, that under David the First,

<sup>1</sup> Cartul. of Kelso, p. 1. Cartul. of Inchcolm, p. 19. Cartul. of Scone, pp. 41, 57. The Cartularies abound with examples of this.

<sup>2</sup> Houard's *Anciennes Loix des François*, vol. i. p. 237. It is evident, from the description given by this learned writer, of the rights of the burghs under the Normans, that the Court of the Four Burghs was of Norman origin.

a code of mercantile law was gradually formed, which owed its origin to the decisions of this court, assisted probably by the practical wisdom of the most enlightened merchants and traders. It was known by the name of the *Assisa Burgorum*, and, in an interpolated and imperfect state, has reached our own times. In the famous state paper of Edward the First, known by the title of an "*Ordinatio super stabilitate terræ Scotiæ*," and published in 1305, the laws which King David had enacted, are commanded to be read by the English guardian or lieutenant, in presence of the good people of the land; and in a charter which is granted by William the Lion to the burgh of Glasgow in 1176, that monarch refers to the assizes of his burghs, as an established code of law.<sup>1</sup> It is the judicious observation of Chalmers, that as Malcolm the Fourth is known not to have been a legislator, these assizes must be ascribed to David, and this is confirmed by the ancient and respectable authority of Fordun.\* The policy of the sovereign in the erection of these privileged communities, was gradually imitated by the religious houses, and more rarely by the greater barons, who granted exclusive privileges to the towns or villages upon their territories, and turned their

<sup>1</sup> Gibson's Hist. of Glasgow, p. 301. Ayloffe's Calendar of Ancient Charters, p. 335. M'Pherson's Annals of Commerce, vol. i. p. 440. The *Lex Mercatoria* of Scotland is referred to by Edward the First, as an established and well-known code in the *Rotuli Scotiæ*, p. 3. 10th Aug. 1291.

\* Fordun a Goodal, vol. i. p. 301. Cartul. of Glasgow, p. 73. Caledonia, pp. 726, 732.

wealth into channels of mercantile adventure, employing the burghers to trade for them, and furnishing them with capital. In this way Selkirk was indebted for its first passage from a village into a borough to the abbot of Kelso ; St Andrews, Glasgow, and Brechin, to the bishops of these sees ; Newburgh to the abbot of Lindores. The town of Renfrew was expressly granted by David the First to Walter the son of Alan ; Lauder was early the property of the ancient family of the Morvilles ; and Lochmaben, in consequence of a grant by David the First, belonged to the ancestors of Bruce. The rents of the houses and of the lands of these boroughs ; the customs levied upon the ships which traded to such as were situated on the sea coast, or on navigable rivers ; and in all probability certain proportions of the profits of the various tradesmen and guild brethren who inhabited them, belonged to the spiritual or temporal lord upon whose lands they were erected, and whose favour and protection they enjoyed. If in the various revolutions and changes of the times, his lands happened to escheat to the crown, the whole wealth which belonged to them, the granges, castles, manors, villages, and boroughs, became the property of the sovereign ; and in this way, in the course of years, many baronial or ecclesiastical boroughs were changed into royal ones. Although, however, the rise of these trading communities was in the first instance eminently beneficial to Scotland, and, it cannot be doubted, contributed to give an impulse to the industry of the people ; yet as soon as this commercial and ma-

nufacturing spirit was once roused into activity, the monopolizing principle upon which the borough system was founded, by giving a check to competition, must have fatally retarded the improvement of the country. In the mean time, however, under the severity of the feudal system, boroughs were in their first introduction cities of freedom ; their inhabitants were no longer in the degrading condition of slaves, who could be transferred like cattle or common property from one master to another ; and we know, from the statutes of the burghs, that the same law prevailed in our own country as in England and France, by which a vassal or slave, if he escaped from his feudal superior, and was so fortunate as to purchase a house within a burgh, and live therein for a year and a day, without being claimed by his master, became a free-man for ever.<sup>1</sup>

It was probably in consequence of this law, that a remarkable increase took place in the trade and manufactures of Scotland. During the long period of foreign war, of civil faction, and domestic feuds, which fill up the history of the country from the death of Alexander the Third to the settlement of the kingdom under Bruce, and after this, from the death of Bruce to the accession of Robert the Second, the constant changes and convulsions in the state of private property, threw great multitudes of the lower classes

<sup>1</sup> M'Pherson's *Annals of Commerce*, vol. i. p. 307. *Leges Ed. et Will.* cc. 61, 66. in *Selden's Eadmer*, pp. 191, 193. *Laws of the Burghs*, c. 17. Houard, in his *Anciennes Loix des François*, vol. i. p. 238, says this privilege belonged only to royal burghs under the Normans.

of serfs and bondsmen loose upon society. These fugitives would naturally seek refuge in the cities and burghs belonging to the king; and bring with them an additional stock of enterprise and industry to the mercantile corporations, whose protection they enjoyed; in the course of years many of them must have risen to the state of freemen; and, in consequence of this extraordinary increase in the number of free merchants and enterprising traders, the wealth of the kingdom, during the latter part of the reign of David the Second, became proportionally great. It unfortunately happened, that the enormous drain of specie, occasioned by the payment of the king's ransom, and the personal expenses of the monarch, with the large sums of money levied for the maintenance of ambassadors and commissioners, with their expensive suites of knights, and other attendants, soon swallowed up the profits of trade, and reduced the kingdom to the very brink of bankruptcy.

At a remote period, under Malcolm the Fourth, the great mart of foreign commerce was Berwick. A contemporary English historian distinguishes it as a noble town, and as it possessed many ships, and enjoyed more foreign commerce than any other port in Scotland,<sup>1</sup> it shared the fate of all other opulent towns on the coast, in being exposed to the descents of the piratic fleets of the north. Erlind, a Norwegian and Earl of Orkney, in 1156, carried off a ship belonging to a citizen of Berwick, whose name was Cnut the Opulent; and we learn from Torfæus, who

<sup>1</sup> Gulielm. Neubrig. b. v. c. 23. Torfæi Orcades, b. i. c. 32. pp. 131, 132.

has preserved the story, that the merchant, incensed at the loss of his property, instantly hired and manned fourteen vessels, for which he paid one hundred merks of silver, and with these gave immediate chase to the pirates. Under succeeding sovereigns it increased in trade and opulence; till we find it, in the reign of Alexander the Third, enjoying a prosperity which threw every other Scottish port into the shade, and caused the contemporary author of the Chronicle of Lanercost to distinguish it by the name of a Second Alexandria.<sup>1</sup> It enjoyed a lucrative export of wool, wool-fells, and hides, to Flanders; it was by the agency of the merchants of Berwick that the produce of Roxburgh, Jedburgh, and the adjacent country, in these same commodities, was shipped for foreign countries, or sold to the Flemish Company established in that city; its export of salmon was very great; and the single fact, that its customs, under Alexander the Third, amounted to the sum of L.2197, 8s. Sterling, while the whole customs of England, in 1287, produced only L.8411, 19s. 11½d. amply demonstrates its extraordinary wealth.<sup>2</sup>

At this period, the constitution of the towns and burghs in Scotland appears to have been nearly the same as in the sister country. Berwick was governed by a mayor, whose annual allowance for his charges of office was ten pounds, a sum equivalent to more than four hundred pounds of our present money.<sup>3</sup> Under

<sup>1</sup> History, vol. i. p. 111.

<sup>2</sup> M'Pherson's Annals of Commerce, Rymer, vol. ii. pp. 605, 613. Ibid. vol. i. p. 446.

<sup>3</sup> Rotuli Scotiæ, 8 Ed. III. m. 16.



this superior officer were four provosts, or *præpositi*. At the same period Perth, Stirling, Roxburgh, and Jedburgh, were each governed by an alderman, who appears to have been the chief magistrate. Glasgow by three provosts; Haddington by one officer under the same name; whilst the inferior burghs of Peebles and Montrose, of Linlithgow, Inverkeithing, and Elgin, were placed under the superintendence of one or more magistrates called bailies. These magistrates all appear as early as the year 1296;<sup>1</sup> and, it seems probable, were introduced into Scotland by David the First, whose wise and enlightened partiality to English institutions has already been noticed in this history.

The comparative state of the trade and exports of the remaining burghs of the kingdom, at this early period, cannot be easily ascertained. Perth, which had become very opulent and flourishing in the time of William the Lion, by whom it was erected into a royal burgh, increased in its wealth and consequence under Malcolm the Fourth, who made Scone, the neighbouring monastery, the principal seat of his kingdom. The resort of the court, and the increased demand for the articles of domestic manufacture and foreign commerce, gave a stimulus to the enterprise and industry of the infant burgh; and a contemporary poet, whose works have been preserved by Cam-

<sup>1</sup> Prynn's *Edward I.* pp. 653, 654. Rymer's *Collection of MSS.* vol. iii. No. 116; quoted by M<sup>r</sup>Pherson in *Annals of Commerce*, vol. i. p. 446.

den, characterises Perth as one of the principal pillars of the opulence of the kingdom.<sup>1</sup>

These few and scattered but authentic facts, regarding our early commerce and manufactures, make it evident, that in such great branches of national wealth there is a discernible improvement, from the remote era of Malcolm the Third, to the period of the competition for the crown. Indeed, immediately before the commencement of the war of liberty, the commercial transactions of the country were of consequence enough to induce the merchants of St Omers, and partners of the Florentine houses of Pullici and Lambini to have correspondents in Scotland; and, about the same period, we find that Richard le Furbur, a trader of the inland town of Roxburgh, had sent factors or supercargoes to manage his business in foreign countries, and in various parts of Britain. The list of her exports, at this time, embraced the same articles as those already described: wool, skins, hides, and wool-fells; great quantities of fish, salted and cured;<sup>2</sup> horses, sheep, and cattle;<sup>3</sup> and, more rarely, pearls, falcons, and greyhounds. It is singular to find so precious an article as pearls amongst the subjects of Scottish trade, yet the fact rests on good authority. The Scottish pearls in the possession of Alexander the First were celebrated in distant countries for their extreme size and beauty; and, as early

<sup>1</sup> Necham apud Gough's Camden's Brit. vol. iii. p. 393.

<sup>2</sup> Rotuli Scotiæ, vol. i. pp. 40, 911, 929, 941, 944.

<sup>3</sup> Ibid. p. 881.

as the twelfth century, there is evidence of a foreign demand for this species of luxury.<sup>1</sup> As the commercial intercourse with the East encreased, the rich Oriental pearl, from its superior brilliancy, and more perfect form, excluded the Scottish pearls from the jewel market; and by a statute of the Parisian goldsmiths, in the year 1355, we find it enacted, that no worker in gold or silver shall set any Scottish pearls with Oriental ones, except in large ornaments or jewels for churches.<sup>2</sup>

The leporarii, or greyhounds of our country, were also famous in France; for, in 1396, the Duke de Berri sent his valet and three attendants into Scotland on a commission to purchase dogs of this kind, as appears by the passport preserved in Rymer;<sup>3</sup> and, at an earlier period, under the reign of David the Second, Godfrey de Roos, an English baron, procured from Edward the Third a safe-conduct for his shield-bearer and two attendants, who were travelling from Scotland with dogs and falcons, and who purposed to return into the same country, under the express condition that they did not abuse their privilege, by

<sup>1</sup> Nicolai Epist. in Anglia Sacra, vol. ii. 236. "Præterea rogo et valde obsecro ut margaritas candidas quantum poteris mihi adquiras. Uniones etiam quascunque grossissimas adquirere potes. Saltem quatuor mihi adquiri per te magnopere postulo; si aliter non vales saltem a rege, qui in hac re omnium hominum ditissimus est, pro munere expete." M'Pherson's Annals of Commerce, vol. i. pp. 318, 555.

<sup>2</sup> Du Cange, Gloss. voce Perlæ.

<sup>3</sup> Rymer's Fœdera, vol vii. p. 831.

carrying out of England either bows, arrows, arms, or gold or silver, in the form of bulk, plate, or money.<sup>1</sup>

Of the imports of Scotland at the same period, it is difficult to give any thing like an accurate or satisfactory account. Fine linen and silks; broad-cloth, and a rich article called sayes, manufactured in Ireland from wool, and esteemed so beautiful, as to be worn by the ladies of Florence;<sup>2</sup> rich carpets, and tapestry; wine, oil of olives, and occasionally, corn and barley;<sup>3</sup> spices and confections of all kinds; drugs and electuaries; arms, armour, and cutlery; were the chief commodities: and it has already been observed, that many articles of Asiatic luxury and magnificence had reached our country, by means of a constant communication with the Flemish and Italian merchants. In 1333, we know, from an authentic instrument, preserved in the *Fœdera*, that the Scottish merchants were in the custom of importing, from the county of Suffolk, vases of gold and silver into Scotland; besides silver in bars and in money;<sup>4</sup> a proof that the silver mine which David the First worked, at a very early period, in Cumberland, and the gold of Fife, to which the same monarch alludes in the *Cartulary of Dunfermline*, had neither of them turned to much account.<sup>5</sup>

<sup>1</sup> *Rotuli Scotiæ*, vol. i. p. 891.

<sup>2</sup> *M'Pherson's Annals of Commerce*, vol. i. p. 562.

<sup>3</sup> *Rotuli Scotiæ*, vol. i. pp. 890, 891.

<sup>4</sup> *Rymer's Fœdera*, vol. iv. p. 575.

<sup>5</sup> *Joann. Haguetad.* p. 280. *Cart. of Dunferm.* folio 7; quoted in *Dalyel's Tract on Monastic Antiquities*, p. 80.

Under the reign of Bruce, and during the long war with England, every possible effort was made by Edward the First and his successor, to crush and extinguish the foreign trade of Scotland, but the success does not appear to have been in any degree proportionate to their exertions. All English or Irish merchants were prohibited, under the severest penalties, from engaging in any transactions with that country; and repeated requests were addressed to the rich republics of the low countries, to the courts of Flanders, and the Dukes of Brabant, to induce them to break off all traffic with the Scots;<sup>1</sup> but the exertions of contraband traders and privateer vessels eluded the strictness of the prohibitions against English and Irish trade,<sup>2</sup> and the Flemings and Brabanters steadily refused to shut their ports against any nation which could pay for their commodities. In 1315, a fleet of thirteen ships or galleys belonging to the Scots, and other "malefactors" who adhered to them, was at anchor in the port of Sluys in Flanders, waiting to be laden with arms, victuals, and other goods, which they intended to export from that country into Scotland, when Edward the Second, as the public order relative to the circumstance informs us, adopted vigorous but apparently unsuccessful measures for intercepting them.<sup>3</sup> To Bruce, whose life was

<sup>1</sup> *Rotuli Scotiæ*, vol. i. p. 136. 1st April, 1314. *Ibid.* 140. Rymer, vol. iv. p. 715.

<sup>2</sup> *Rotuli Scotiæ*, vol. i. pp. 491, 525.

<sup>3</sup> This instrument is one of the deeds added by the editors of the new edition of the *Fœdera Angliæ*, vol. ii. part I. p. 265. The original is in the Tower.

spent in almost uninterrupted war, the great articles of demand were such as he could use for his soldiers and knights ; arms of all kinds, helmets, cuirasses, cham-freyns, and horse armour, swords and daggers, bows of English yew, spear shafts, and lances, formed the staple cargoes of the Flemish merchantmen which traded to his dominions ; but in other respects, the export trade of the country, which had been principally carried on through England and Ireland, although not extinguished, experienced a material depression. Yet although this branch of national wealth was rendered less productive, other sources were opened peculiar to war. The immense plunder which was taken at Bannockburn, the large sums of money paid by the English nobles and barons for their ransom ; the subsequent plunder in the repeated invasions of England, and the frequent and heavy sums which were subscribed by the Border counties, to induce the Scottish leaders to spare their towns and villages, greatly enriched the kingdom, and provided a mass of capital which is distinctly perceptible in the increased commercial speculation of the subsequent reign, and in the remarkable and successful efforts made by the nation in fitting out a navy. Previous to the accession of David the Second, we have already seen that little traces of a regular naval force exist in Scotland ; and although the fleets of William the Lion, and that of his successor Alexander the Second, are commemorated in the Chronicle of Man, it seems probable that these naval armaments were furnished by the island vassals, who owned the superiority

of the Scottish crown, and who held their lands by the tenure of furnishing a certain number of galleys for the use of the king.<sup>1</sup> The maritime exploits of these kings were temporary and insulated, and the same observation applies to the naval expeditions of their successors. It appears, indeed, from a passage in the chamberlain rolls of Alexander the Third, that, in 1263, this monarch was in possession of several vessels, which, under the direction of the Earl of Menteth, were built in the port of Ayr, and that two hundred oars were manufactured for their use;<sup>2</sup> but it is evident, from Alexander declining any naval contest with the King of Norway, that his fleet could neither have been numerous nor powerful. Robert Bruce's reign being principally occupied with a land war, his efforts for distressing his enemy by sea, were mostly confined to the commissioning piratic ships from the Flemings and Genoese, which cruised upon the English coasts, and in the double capacity of traders and ships of war, landed their cargoes in Scotland and attacked the English merchantmen and victuallers. Yet there is evidence in that very interesting portion of the chamberlain accounts which relate to the expenditure of Bruce at his palace of Cardross the year before his death, that he and his old companion in arms, the great Randolph, were anxiously directing their attention to the subject of shipping and navigation. But the navy assumes a

<sup>1</sup> Fordun a Goodal, vol. ii. p. 101. Robertson's Index, p. 100.

<sup>2</sup> *Excerpta ex Rotulo Comptorum Temp. Alex. III.* p. 10.

very different and far more formidable appearance under the reign of David Bruce. The Scottish ships of war, along with numerous squadrons of foreign privateers, in the pay of the Scots, swept the seas round England, plundered their merchant vessels, and made repeated and successful descents upon the coast, burning and destroying the seaport towns, and creating extreme alarm in the country.

In 1334, a fleet of Scottish ships of war threatened a descent on the coast of Suffolk; in the subsequent year, twenty-six galleys and other ships were hovering and watching their opportunity for attack off the coasts of Chester and Durham; and not long after this, notwithstanding the utmost exertions by the English government to fit out a fleet which should put an end to the naval aggressions of the Scots, and precautions taken to spread the alarm in case of any hostile descents, by lighting beacons upon the cliffs above the sea; the towns of Portsmouth, Fodynton, Portseye, and Easten, were burnt and plundered, and the country threatened with invasion by an immense fleet of foreign ships and galleys, whose approach is described by Edward the Second in an order addressed to the sheriffs of England, and evidently written under extreme anxiety and apprehension.<sup>1</sup> Yet the probability is, that none of these vessels were the property of the king, but merchant ships of Scottish and foreign traders fitted up for the expedition as

<sup>1</sup> *Rotuli Scotiae*, vol. i. pp. 299, 317. vol. i. *Ibid.* pp. 320, 363, 440. *Rymer's Fœdera*, new edit. vol. ii. part ii. pp. 1055, 1067.



ships of war, and commissioned, like the mercenary troops of Hainault or Switzerland, to assist whatever country chose to pay them the highest price for their services. At this period, the same mode of fitting out a fleet of ships of war was adopted in both countries. There appears to have been no regular permanent naval force of any consequence maintained in either.<sup>1</sup> In England, as the emergency of the moment required, the monarch was in the habit of directing his writs to the wardens of the Cinque Ports, and to the magistrates of the different seaports, empowering them to press into the service, and instantly arm and victual any number of vessels he deemed necessary, and to commission such merchantmen as were fond of the adventure, to fit out their traders as *naves guerrinæ*, or ships of war,<sup>2</sup> with the right of attacking the enemies of the king, under the condition of giving up half the profits in the event of a successful capture.<sup>3</sup> We may form some idea of the size and strength of these vessels from an order issued by Edward the Third during his Scottish war, to the mayor of Bristol, in which this magistrate is commanded to arrest three of the largest ships then in the port of that city. These are described to be two

<sup>1</sup> M'Pherson's *Annals of Commerce*, vol. i. p. 378.

<sup>2</sup> *Ibid.* vol. i. p. 430.

<sup>3</sup> "Galfridas Pypere Magister Navis que vocatur le Heyte habet licentiam gravandi inimicos Regis ita quod de medietate lucri Regi respondeat." Teste R. apud Burdegalliam xiii. Feb. 28. Henry III. m. 16. Rotuli Pat. MS. note apud M'Pherson's *Annals*, vol. i. p. 394.

of a hundred tons, and one of sixty tons burden, on board of which a hundred and thirty-two men are instantly to be put for the king's service, which force is mentioned in the order, as being double the ordinary complement of mariners and soldiers.<sup>1</sup> Many of the privateers, however, which were at this time employed by the Scots against England, appear to have been vessels of larger dimensions, and more formidable equipment than those of England, probably from their being foreign built, and furnished by the Flemings, the Genoese, or the Venetians, for the purposes both of trade and piracy. In 1335, a very large foreign ship, laden with arms, provisions, and warlike stores, arrived in the port of Dumbarton, and for the purpose of intercepting her, Edward not only ordered two of the largest merchantmen of Bristol to be manned and provisioned as ships of war, but commanded Roger de Hegham, his admiral of the Western fleet, to fit out two other vessels, with a double complement of men, to be employed apparently on the same service.<sup>2</sup>

In 1357, three Scottish ships of war, manned with three hundred picked soldiers, infested the East coast, and grievously annoyed the English commerce. This large complement of soldiers must have been exclusive of the sailors employed to navigate the ships, and proves them to have been very powerful, when compared with the ordinary vessels of the time.<sup>3</sup> In the same

<sup>1</sup> Rotuli Scotie, vol. i. p. 231. 24th April, 1333.

<sup>2</sup> Ibid. vol. i. p. 340.

<sup>3</sup> Knighton, Col. 2617.

year, we have seen that the Scottish privateers captured a vessel called the Beaumondscogge, which was the property of that powerful baron, Henry de Beaumont, who, along with Baliol and the rest of the disinherited nobles, succeeded in driving David the Second from the throne; and soon after the united fleets of the Scots and their allies increased in numbers and audacity to such a degree, that the English coasts were kept in a state of continual terror. The merchantmen did not dare to sail except in great squadrons, and with a convoy of ships of war; and even when riding at anchor within the harbours, were cut out and carried off by the superior naval skill and courage of the Scottish seamen, and their allies.<sup>1</sup> In a remarkable order, addressed by Edward the Third to his admirals and naval captains, this monarch complains in bitter terms of their base and pusillanimous conduct, in permitting the united fleets of the Scots, French, and Flemings, to capture and destroy the ships of England in the very sight of his own navy, which kept aloof during the action, and did not dare to give battle.<sup>2</sup>

Such appears to have been the great superiority of the Scottish navy over that of England in the beginning of the reign of David the Second. Meanwhile, the long and inveterate war between the two countries, which arose out of the aggressions of Edward the First, entirely extinguished the regular Scottish

<sup>1</sup> *Rotuli Scotiae*, pp. 451, 456, 467, 477.

<sup>2</sup> *Ibid.* vol. i. p. 513. *Ibid.* 498.

commerce with that country. From the year 1291 to 1348 there appear only three safe-conducts for English merchants, permitting them to trade with Scotland; and those repeated proclamations which were made against any commercial intercourse, seem to have been so rigorously executed, that in this long interval, embracing more than half a century, we do not find a single passport for a Scottish merchant, allowing him to visit England for the purposes of trade.

In 1348 the Scots were included in the truce of Calais; for the first time since the long war the commerce of England was thrown open to their skill and enterprise; and, in a very few years, the mercantile intercourse between the two countries increased to an astonishing and unexampled degree. At the request of the Queen of Scotland, important privileges were granted to the Scottish merchants; the Scottish nobles possessed companies of merchants, who speculated on their account, and under their protection;<sup>1</sup> and we have seen that, instead of the rigid and determined exclusion from all trade with their dominions, which, for so long a time, formed part of the policy of the three Edwards to their Scottish enemies,<sup>2</sup> a system of the utmost liberality and indulgence was pursued, under which the commerce of both countries was carried on with a wonderful degree of energy and enterprise.

<sup>1</sup> *Rotuli Scotiæ*, vol. i. pp. 758, 823. *Salvus conductus pro mercatoribus Willielmi de Douglas*.

<sup>2</sup> *Rotuli Scotiæ*, vol. i. p. 140.

The immense sums of money which were drawn from the country for the ransom of the king ; the expenses incurred by the residence and ransom of the noble prisoners taken in the battle of Durham ; and the reiterated and heavy payments which were made during the various and protracted negotiations with England ; exhibit, in a very striking manner, the increasing opulence of the country ; and it cannot be doubted, that one great source of this wealth is to be traced to the improved state of the national commerce, and to the increasing wealth of the traders and manufacturers. I shall conclude this sketch of the early commerce and navigation of Scotland, by a few remarks upon the money of those times, and upon the wages of labour, and the prices of the necessities of life.

All the Scottish coins which have yet been discovered, previous to the reign of Robert the Second, are of silver ; and this fact of itself furnishes, if not absolute proof, at least a strong presumption, that anterior to this period there was no gold coinage in Scotland.<sup>1</sup> Of this early silver money the most ancient specimens yet found are the pennies of Alexander the First, who succeeded to the throne in the commencement of the twelfth century ; after which

<sup>1</sup> In a Parliament held at Scone by David the Second, in 1369, there is mention of gold money. Robertson's Parliamentary Records, p. 117. But the gold money of England was then current in Scotland, and the enactment may refer to it. Ruddiman's excellent Introduction to Anderson's Diplomata, pp. 54, 55.

we can trace a regular coinage of silver pennies under the reigns of David the First, William the Lion, and the successive sovereigns who filled the throne, with the exception of Malcolm the Fourth, whose money, if in existence, has hitherto eluded the utmost research of the Scottish antiquary. The silver pennies of Alexander the First, now extremely rare, are of the same fineness, weight and form, as the contemporary English coins of the same denomination, and down to the time of Robert the First, the money of Scotland was of precisely the same value and standard as that of England. Towards the conclusion of the reign of William the Lion, that monarch reformed the money, which had been somewhat debased from its former standard ;<sup>1</sup> perhaps in consequence of an attempt to supply in this way the very large sums which this monarch paid to Richard the First.<sup>2</sup> During the succeeding reign, the standard value and the device continued the same as under William ; but almost immediately after the accession of Alexander the Third, the ministry of this infant sovereign borrowed from England what was deemed an improvement in the mode of stamping the reverse. The history of this alteration is curious. It appears that in 1248, the Sterling money of England had been defaced, by clipping, to such a degree, that the letters of the inscription were almost entirely cut away, and the delinquents were suspected to be the Jews, the Caursini, and the Flemish wool merchants.<sup>3</sup> At a meeting of the king's

<sup>1</sup> M'Pherson's *Annals of Commerce*, vol. i. p. 356.

<sup>2</sup> Wynton Chron. vol. i. p. 342. Chron. Melross, p. 180.

<sup>3</sup> Mathew Paris a Wats. p. 639.

council, which was summoned to advise what steps ought to be taken, some of the members recommended that, in imitation of the money of France, the quality of the silver in the English money ought to be debased, under the idea, that the temptation to make profit by clipping would thus effectually be removed. Fortunately this advice, which marks a very rude age, and a limited knowledge on the subject, was not adopted; but proclamation was made that all the defaced coin should be brought into the king's exchanges, and that a new coinage should be struck, out of which those who brought in the clipped money were to be paid weight for weight. On the old coins, the cross upon the reverse side had only reached half way from the centre to the edge, in consequence of which, an expert clipper might have pared away a considerable breadth, without much chance of detection; but, now the expedient was adopted, of carrying the arms of the cross, through the letters of the legend, and a border of small beads was added round the outer extremity; so that the money could not be clipped, without at least a greater chance of discovery.<sup>1</sup> The immediate adoption of this clumsy expedient in Scotland was probably occasioned by the same abuse of clipping having been practised in that country.<sup>2</sup>

<sup>1</sup> "Ut non sine evidenti, et valde notabili dispendio, aliquid inde radi possit vel abscindi." *Annales Waverlienses*, p. 207.

<sup>2</sup> Fordun a Goodal, vol. ii. p. 83. The same monarch, Alexander the Third, appears to have coined silver pieces of two pennies. *McPherson's Annals of Commerce*, vol. i. p. 432.

In Scotland, the first very sensible diminution of the purity of the standard money was introduced by Robert Bruce; but the exact date of the depreciation is unknown. Like the other alterations in the coinage, it was adopted in imitation of England; and proceeded upon the unjust and erroneous idea, that the wealth of the kingdom might be increased, by multiplying the number of pennies coined out of the pound of silver. In 1300, Edward the First commanded two hundred and forty-three pennies to be coined out of the standard pound, instead of two hundred and forty, which was the old rate.<sup>1</sup> A diminution of three pennies in the value of the pound of account was deemed, perhaps, too trifling and imperceptible a change, to be in any way detrimental; and the Scottish monarch not only followed, but went beyond the pernicious example of England; for, under the expectation that the pennies of both kingdoms would, as before, continue to pass indiscriminately, he coined two hundred and fifty-two pennies from the pound weight of silver,—an impolitic departure from the integrity of the national money, which had hitherto been strictly observed by the government of the country.<sup>2</sup>

From this time till 1354 there appears to have

<sup>1</sup> Topham's *Observations on the Wardrobe Account of Edward the Eleventh*, p. 11. "The pound weight of silver then (31. Ed. I.) consisted of twelve ounces, each containing twenty pennyweights, or of two hundred and forty pennies. These pennies were composed of mixed silver; one pound, or twelve ounces, of which contained eleven ounces and two pennyweights of fine silver, and eighteen pennyweights of copper or alloy."

<sup>2</sup> M'Pherson's *Annals of Commerce*, vol. i. p. 466. Folkes on *English Coins*, pp. 8, 142. Edition 1763.



been no change in the money of Scotland ; which, according to a proclamation of Edward the Third, was received as of the same weight and alloy as the money of England.<sup>1</sup> This monarch, however, finding himself grievously distressed by the debts which he had incurred in his French war, unfortunately repeated the expedient, to relieve himself, which he had already partially adopted, although as dishonest as it was injurious to the best interests of his kingdom. In order to pay his creditors with less money than he had borrowed, he commanded two hundred and sixty-six pennies to be made out of the pound of standard silver ; and afterwards, in the year 1346, he diminished the money still farther, by making two hundred and seventy pennies out of the pound,—a proceeding by which the people were greatly distressed, owing to the consequent rise in the prices of all the necessaries of life.

In 1354 the Steward, who was now Regent in Scotland, during the captivity of David, imitating this mistaken policy, issued a new coinage, which was not only far below the original standard in value, but even inferior to the money of England, depreciated as it then was. We are informed of this fact, by a proclamation which the issue of this new money of Scotland drew from Edward the Third. In a letter to the Sheriff of Northumberland, the king informs him, that the new money of Scotland, although of the same figure with the old, was not, like it, of the same weight and quality with the Sterling money of Eng-

<sup>1</sup> Rymer's *Fœdera*, vol. v. p. 813.

land ; and he accordingly commands that officer to make proclamation within his district, that the new Scottish money should be taken only for its value as bullion, and carried to the proper office, to be exchanged for current money ; but that the old money of Scotland, which, as appears from what was above stated, was considerably better than that of England, should be still as current as before."<sup>1</sup>

Soon after the return of David the Second to his dominions, he appointed Adam Torre, a burghess of Edinburgh, and James Mulekin of Florence, joint keepers of the Exchange for all Scotland, and masters of the Mint. Foreigners appear to have been the great coiners or minters of those times. At an earlier period, in 1278, the Exchange at London was under the direction of some Lucca merchants, and Gregory de Rokesley, the mayor.<sup>2</sup> In 1366, the Scottish Parliament had ordered the money of the kingdom to be coined of the quality and weight with that of England;<sup>3</sup> but, in the subsequent year, the extreme scarcity of silver money, occasioned by the great drain of specie from the country for the king's ransom, and other heavy expenses, created an alarm, which unfortunately caused the Parliament to relapse into the ancient and erroneous notion, that the wealth of the

<sup>1</sup> M'Pherson's *Annals of Commerce*, vol. i. p. 554. Rymer's *Fœdera*, vol. v. 813. "*Super nova moneta Scotiæ.*"

<sup>2</sup> Madox's *Hist. of Exchequer*, c. 22. § 4. c. 23. § 1. *Comptum Custodis Monete*, vol. i. *Accounts of the Great Chamberlains of Scotland*, pp. 401, 402.

<sup>3</sup> Robertson's *Parliamentary Records*, p. 104.

kingdom might be increased by diminishing the intrinsic value, and increasing the number of the pieces coined. This produced an order, by which it was declared, that the standard pound of silver should be diminished in the weight by ten pennies; so that henceforth the pound of silver should contain twenty-nine shillings and four pennies; out of which seven pennies were to be taken for the king's use.

To understand this order, it must be remembered that the only coins which had yet been struck, either in England or Scotland, were pennies, with their halves and quarters, along with a few groats and half groats; so that when the Parliament enacted that the pound of silver should contain twenty-nine shillings and four pennies, it was saying in other words that it was to be coined into three hundred and fifty-two pennies; an enormous departure from the integrity of the old standard of two hundred and forty pennies in the pound. In the same ordinance it is provided that eleven pennies are to be taken for the Master of the Mint and the payment of the workmen, and one penny for the Keeper of the Mint. If to these we add the seven pennies for the King's use, twenty-seven shillings and nine pennies would remain to the merchant for the pound of silver;<sup>1</sup> so that, by this change in the coinage, the king practised a very extensive and grievous fraud upon his subjects.

It is curious to attend for a moment to the consequences of this depreciation of the money of the country. They are distinctly to be traced in a statute

<sup>1</sup> Robertson's Parliamentary Records, p. 109.

soon after passed by Edward the Third.<sup>1</sup> There was, in the first place, a rise in the prices of all the necessities of life ; so that the labouring classes, being paid at the same rate as before, found that they could not procure the same subsistence. This they patiently bore for some time ; but when the immense mortality occasioned by the pestilence had diminished the number of working men, and thus created a great demand for labour, the survivors naturally seized the opportunity to raise their prices ; and, in consequence of this, the king, with the advice of his parliament, enacted the Statute of Labourers, “ by which all men and women under sixty years of age, whether free or slaves, and having no occupation or property, were compelled to serve any master who hired them, for the same wages which were given before the year 1346, under pain of imprisonment.” Artificers were, at the same time, prohibited from exacting more than the old wages ; and the butchers, bakers, brewers, and other dealers in provisions, were strictly enjoined to sell their commodities at reasonable prices.

The legislators of those remote times had not yet learned that the price of food must be the standard for the price of labour ; and that by depreciating the coin of the kingdom, they raised the prices of the necessities of life, and compelled the labouring classes to adopt the very conduct of which they complained.

<sup>1</sup> Statute 23, Ed. III. M'Pherson's *Annals of Commerce*, vol. i. p. 542.

There can be no doubt that the consequences of the depreciation in Scotland must have been the same as in the sister country ; and the sumptuary laws, which we find enacted towards the conclusion of the reign of David the Second, with the statutes regarding carrying the coin " furth of the realm," are to be traced to the same causes as those which led to the statute of labourers in England.<sup>1</sup>

The price of labour, of the necessities of life, and of the articles of comfort or luxury, forms at all times an interesting subject of enquiry, probably from that strong and natural desire which we feel to compare our own condition with that of our fellow-men, however remote may have been the period in which they lived. Upon such points, however, previous to the transcription and printing of the Accounts of the Great Chamberlains of Scotland, little satisfactory information could be collected ; for our most ancient historians, although they occasionally mark the prices of provisions and of labour, commonly do so in years of scarcity, when the high rate to which they had risen fixed their attention upon the subject ; and upon such data no correct enquiry could be founded.<sup>2</sup> These accounts, on the contrary, as they contain the ordinary and common prices of most articles, are on this, as on all other points which they embrace, our most authentic and valuable guides.

<sup>1</sup> *Statuta Davidis II. Regiam Majes.* pp. 45, 46. Robertson's *Parliamentary Records*, pp. 106, 117.

<sup>2</sup> Preface to Fleetwood's *Chronicon Preciosum*.

It will be recollected that the value and the denomination of money, down to the reign of Robert the First, continued the same in Scotland and in England ; and that, even under Edward the Third, the depreciation of the Scottish money could not be very great, as it required a royal proclamation to put the people on their guard against it.<sup>1</sup>

To begin with the price of grain, we find that, in 1263, a chalder of oatmeal, fourteen bolls being computed for a chalder, cost exactly one pound.<sup>2</sup> In the same year, six chalders of wheat were bought for nine pounds, three shillings.<sup>3</sup> The prices, however, varied occasionally as we might expect. In 1264, twenty chalders of barley sold for ten pounds ; although in 1288, the price had fallen so low, that we find forty chalders sold for six pounds, thirteen shillings, and four pence, being at the rate of forty pence the chalder.<sup>4</sup> In 1288, twelve chalders of wheat brought twelve merks, or thirteen shillings and four pence the chalder.<sup>5</sup> In 1290, a chalder of barley sold for ten shillings, and a chalder of rye for four shillings ;<sup>6</sup> while, in 1329, we find the prices of the same grain fluctuating from twenty to twenty-four shillings the chalder for the best barley.<sup>7</sup> In 1326, four chalders of oatmeal cost a hundred and six shillings

<sup>1</sup> Madox's History of Exchequer, vol. i. p. 277. 4th Edition. The pound of silver by tale was twenty shillings ; the merk of silver 13s. 4d. or 160 pennies.

<sup>2</sup> Chamberlain's Accounts, p. 9. Temp. Regis Alex. III. p. 66.

<sup>3</sup> Ibid. p. 9.

<sup>4</sup> Ibid. pp. 24, 66.

<sup>5</sup> Ibid. p. 69.

<sup>6</sup> Ibid. p. 77.

<sup>7</sup> Ibid. vol. i. p. 37.

and eight pence, being at the rate of twenty pence the boll ; whilst, of the same date, the same kind of grain, but probably of a superior quality, sold for two shillings the boll.<sup>1</sup> In 1360, a chalder of barley cost thirteen shillings and four pence, and five chalders of wheat brought eight pounds ; whilst, five years after this, four chalders and eleven bolls of fine wheat could not be had under twelve pounds sixteen shillings.<sup>2</sup> About the same time, twenty-nine barrels of beer, purchased for the king's household, cost eleven pounds nine shillings, and fifty-five barrels of herring twenty-nine pounds nineteen shillings.<sup>3</sup> As far back as 1263, we find, that the price of a cow was four shillings and five pence;<sup>4</sup> and that thirty muttons were purchased for the king's table, at the rate of twenty-five shillings, averaging exactly ten pence a piece.<sup>5</sup> In the following year, forty cows were sold for ten pounds, the price of each being five shillings ; whilst thirty-eight swine brought fifty-seven shillings, being no more than eighteen pence each ; and, in 1288, twelve swine sold as low as a shilling a head.<sup>6</sup> In 1368, two oxen sold for thirteen shillings and four pence,

<sup>1</sup> Chamberlain's Accounts. *Compotum Constab. de Tarbat*, vol. i. p. 2.

<sup>2</sup> *Ibid.* *Compot. Cleric. libationis*, vol. i. p. 445.

<sup>3</sup> *Ibid.* *Compot. Clerici libationis*, p. 445. In 1328, we find 1800 herring sold for twenty-eight shillings. *Ibid.* p. 28. In 1288, 100 eels brought three shillings, p. 69.

<sup>4</sup> *Ibid.* *Rotuli Compot. Temp. Regis Alex. III.* p. 14. To twenty-four cows 108 shillings.

<sup>5</sup> *Ibid.* p. 15.

<sup>6</sup> Chamberlain's Accounts, *Temp. Custod. Regni*, p. 56. *Ibid.* p. 77.

being six shillings and eight pence a head. In the concluding passage of the Excerpts from the Chamberlain's Accounts, seven score hens are sold for eleven shillings and eight pence, exactly a penny each; and a tonegall of cheese, measuring six stones, sold for three shillings.<sup>1</sup>

The common fuel of those times, consisting of peats and wood, was to be had at a moderate rate. In 1288, two hundred and five horse-loads of fire-wood, for the royal palace at Stirling, cost only thirty-six shillings and sixpence. Eight waggon-loads of peats, including the carriage and some small expenses, cost thirteen pounds, seventeen shillings, and five pence.<sup>2</sup> Although coals were undoubtedly worked in Scotland as early as 1291, perhaps even anterior to this, yet we find them rarely mentioned previous to the reign of David the Second. Under this monarch, eighty-four chalders of coal being purchased for the use of the queen's household, cost twenty-six pounds.<sup>3</sup> Salt appears to have been one of those necessities of life which varied considerably in its price. In 1288, twelve chalders of salt were sold for six shillings the chalder; whilst, in 1360, ten chalders could not be purchased under thirteen pounds, six shillings, and eight pence.<sup>4</sup>

In comparing the wages of labour with the above

<sup>1</sup> Chamberlain's Accounts, Temp. Custod. Regni, pp. 77, 78.

<sup>2</sup> "Et sciendum est quod quilibet tonegall valet 6 petras."

<sup>3</sup> Ibid. p. 61.

<sup>4</sup> Chalmers's Caledonia, vol i. p. 793. Chamberlain's Accounts, p. 495.

<sup>5</sup> Ibid. pp. 69, 392.



prices of provisions it is evident that, even in the most remote period which these researches have embraced, the lower orders must have lived comfortably. In the Excerpts from the Chamberlain's Rolls of Alexander the Third, the Keeper of the King's Warren at Craill receives, for his meat and his wages during one year, sixteen shillings and eight pence ; and as this was deemed too high, it is added, that, for the coming year, he is to have his option to take either a merk, which was thirteen shillings and four pence, or a chalder of oatmeal.<sup>1</sup> The gardener of the king at Forfar had, for his yearly wages, five merks, the gardener at Menmouth only one merk ;<sup>2</sup> and William, the king's cook and keeper of the royal larder, was paid, for his arrears of three years wages, ten pounds.<sup>3</sup> The king's balistarius, or keeper of the cross-bows for the castle of Ayr, received yearly two merks and a-half ;<sup>4</sup> whilst the warder of the same castle for his yearly wages and support, cost the exchequer eight shillings.<sup>5</sup>

When Alexander the Third was making preparations against the expected invasion of the King of Norway, in 1263, in order to secure the allegiance of the petty princes who held the Western Isles, he seized their children as hostages for their peaceable behaviour. These, of course, he had to support, and this explains an entry in the Chamberlain's rolls, from which we may form some idea of the rate of living.

<sup>1</sup> Chamberlain's Accounts, Excerpta. E. Rotul. Temp. Alex. III. p. 7.    <sup>2</sup> Ibid. p. 13.    <sup>3</sup> Ibid. p. 1.    <sup>4</sup> Ibid. p. 9.    <sup>5</sup> Ibid.

For the expenses of the son of Angus, who was the son of Donald, with his nurse and a waiting woman, for twenty-six weeks, the king paid seventy-nine shillings and tenpence.<sup>1</sup> The expenses of another of these hostages, the son of Murchard, amounted to twenty-one shillings for twenty-four weeks ; and we find, that in speaking of twenty-two hostages from Caithness and Sky, the first was allowed for his living a penny, and the second three-halfpence a day.<sup>2</sup> At the time of this expected invasion, Alexander possessed no regular navy, but a few ships of war appear to have been stationed in the port at Ayr : such, however, was the unsettled state of the country, that these vessels had to be watched, probably only during the night ; and we find an entry in the same accounts of sixteen shillings and ninepence, to four men who had been employed watching the king's ships for twenty-three weeks.<sup>3</sup> In 1326, the fortifications of the Castle of Tarbart having become insecure in some places, Robert the Mason was employed to repair and strengthen the walls. This he did by contract, and as the quantity of work which was executed does not appear, no exact inference can be drawn from the sum paid, which amounted to two hundred and eighty-two pounds, fifteen shillings.<sup>4</sup> But in this work, two labourers were employed in carrying lime from Thorall to Tarbart for twenty-nine weeks and three days, and received four shillings

<sup>1</sup> Excerpt. E. Rotul. Temp. Alex. III. pp. 9, 14.

<sup>2</sup> Ibid. p. 22.

<sup>3</sup> Ibid. p. 9.

<sup>4</sup> Computum Const. de Tarbart, vol. i. p. 3.

a week for their wages,<sup>1</sup> being sixpence and a fraction for each day. Days' wages, however, sometimes fell still lower; five barrowmen, or carriers, for three weeks' work received each only three shillings and fourpence; and apparently in the same repairs of Tarbart Castle, seven labourers or barrowmen were engaged for thirty-two weeks at the rate of fourteen-pence a-week each.<sup>2</sup> Higher craftsmen, of course, received higher wages. John the Carpenter was engaged for thirty-two weeks at threepence a day, with his meat, which was each month a boll of oatmeal, and one codra of cheese, the boll being reckoned at two shillings, and the codra of cheese at sevenpence.<sup>3</sup> Nigel the Smith had twelve pounds, and Nicolas the Mason six pounds, thirteen shillings, and fourpence, for his yearly wages.<sup>4</sup> The cooks who exercised their mystery at the nuptial feast given on the marriage of David the Second at Berwick, received, on that occasion, twenty-five pounds, six shillings, and eightpence, for their labours there.<sup>5</sup> To the minstrels who attended the ceremony, and we must remember that the rejoicings continued probably for many days, there was given sixty-six pounds, fifteen shillings and fourpence.<sup>6</sup> John, the apothecary of King Robert Bruce, received for his salary eighteen pounds, and for his robe, a perquisite which

<sup>1</sup> Comp. Constab. de Tarbart, p. 3.

<sup>2</sup> Ibid. p. 4.

<sup>3</sup> Ibid. p. 5. In pp. 77, 78, we find a *tonegall* of cheese, which is there stated to be equal to six stones, sold for three shillings.

<sup>4</sup> Ibid. p. 5. <sup>5</sup> Chamberlain's Accounts, p. 96. <sup>6</sup> Ibid. p. 96.

we find given to many of the king's servants and officers, the sum of twenty-six shillings and eightpence.<sup>1</sup> It is somewhat singular, that many years after this, in 1364, Thomas Hall, the physician of David the Second, received only ten merks for his salary.<sup>2</sup> In 1358, however, Hector the doctor received at once from the king a fee of five pounds, six shillings, and eightpence, so that it is difficult to ascertain exactly the rate of the fees or the salaries of these learned leeches. The druggist, indeed, appears to have been a favourite ; for, in addition to his salary and his robe, we find him presented by the king in the course of the same year with a gift of fourteen pounds, thirteen shillings, and fourpence. The prices of clothes, according to the coarseness or the costliness of the materials, varied exceedingly. A robe for the keeper of the gate of the king's chapel, cost only twenty shillings ; a robe for Patrick de Monte-alto, which was, in all probability, lined with rich furs, cost four pounds ;<sup>3</sup> a robe for the clerk of the rolls, twenty-six shillings<sup>4</sup> on one occasion, and thirty shillings on another ;<sup>5</sup> whilst John Bysit, a poor monk of Haddington, and one of King Robert's pensioners, was allowed, in 1329, twenty shillings annually for his clothing ;<sup>6</sup> and later than this, in 1364, a poor scholar, who is denominated a relation of the king, received from David the Second four pounds annually, to provide himself in food and clothing.<sup>7</sup> In 1263,

<sup>1</sup> Chamberlain's Accounts, p. 99.

<sup>2</sup> Ibid. p. 539.

<sup>3</sup> Ibid. pp. 101, 400.

<sup>4</sup> Ibid. p. 479.

<sup>5</sup> Ibid. p. 526.

<sup>6</sup> Ibid. p. 101.

<sup>7</sup> Ibid. p. 413.

Alexander the Third granted fifty shillings to nine prebendaries to provide themselves with vestments.<sup>1</sup>

Wine appears to have been consumed in large quantities at the royal table. In 1263, under Alexander the Third, who is celebrated in a fragment of an old song for "wine and wax, gamyn and glee," a hundred and seventy-eight hogsheads or dolii of wine were bought for four hundred and thirty-nine pounds, sixteen shillings, and eightpence. In 1264, sixty-seven hogsheads and one pipe cost the royal exchequer three hundred and seventy-three pounds, sixteen shillings, and eightpence; whilst in 1329, forty-two hogsheads, purchased from John de Hayel, a merchant at Sluys, in Flanders, cost a hundred and sixty-eight pounds.<sup>2</sup> A pipe of Rhenish wine, bought for David the Second, at the time he held his court at Dundee, cost five pounds; but a pipe of the same wine, of finer flavour, which David had sent to the Countess of Strathern, cost seven pounds, six shillings, and eightpence, in 1361.<sup>3</sup> In 1364, the same noble lady received a hogshead of wine by the king's orders, for which the chamberlain paid six pounds, thirteen shillings, and fourpence.<sup>4</sup> These wines were, without doubt, the same as those imported into England from Spain, Gascony, and Rochelle, and of which we find the prices fixed by a statute of Richard the Second.<sup>5</sup> Other wines, of far inferior price, were

<sup>1</sup> Excerpta E. Rotul. Compot. Temp. Alex. III. p. 13.

<sup>2</sup> Ibid. p. 17. Chamberlain's Accounts, p. 97.

<sup>3</sup> Ibid. p. 377.

<sup>4</sup> Ibid. p. 412. See also p. 414.

<sup>5</sup> McPherson's Annals of Commerce, vol. i. p. 592.

probably mixtures compounded in the country, and not of pure foreign growth. Thus, in 1263, we find the dolius or hogshead of red wine, *vinum rubrum*, sold for thirty-six shillings, and eightpence; and, at the same time, the hogshead of white wine brought two pounds.<sup>1</sup> In other articles of luxury for the table, the great expense seems to have been in spices, confections, and sweetmeats, in which great quantities of mace, cinnamon, flower of gilliflower, crocus, and ginger, appear to have been used, upon the prices of which it would be tedious and useless to enlarge.

Some idea of the prices of gold and silver plate may be formed from an item in the Chamberlain's Accounts of the year 1364, in which it appears that Adam Torre, burgess of Edinburgh, furnished for the king's table thirteen silver dishes, and six silver saltcellars, for which he was paid seventeen pounds, twelve shillings.<sup>2</sup>

With regard to the rent and the value of land at thi speriod, the subject to be investigated in a satisfactory manner, would lead us into far too wide a field; but any reader who is anxious to pursue so interesting an enquiry, will find, in the Cartularies of the different religious houses, and in the valuable information communicated by the books of the Chamberlain's Accounts, a mass of facts, from the comparison of which he might draw very authentic deductions. The great difficulty, however, in an investigation of

<sup>1</sup> Excerpta E. Rotul. Compot. Temp. Alex. III. p. 44.

<sup>2</sup> Chamberlain's Accounts, p. 411.

this nature, would arise from the want of any work upon the exact proportion which the ancient divisions of land, known in the Cartularies by the epithets of *carucatae*, *bovatae*, *perticatae*, *rodæ*, *virgatae*, bear to the measures of land in the present day, a desideratum which must be felt by any one attempting such an enquiry, in every step of his progress. For example, in an ancient roll, containing the rents of the Monastery of Kelso, preserved in the Cartulary of that religious house, and drawn up prior to 1320, we find, that the monks of this opulent establishment possessed the grange or farm of Reveden in Roxburghshire, in which they themselves cultivated five carucates of land. The remainder of the property appears to have been divided into eight husbandlands, *terræ husbandorum*, for which each of these husbandmen paid an annual-rent of eighteen shillings. Upon the same grange they had nineteen cottages; for eighteen of which they received an annual-rent of twelve pennies, and six days' work at harvest and sheep-shearing. The ninth cottage rented at eighteen pence, and nine days' harvest work. Upon the same property they had two breweries, yielding a rent of two merks; and one mill, which brought them nine merks yearly.<sup>1</sup> The difficulty here is, to ascertain the size of these husbandlands, in which enquiry, at present, I know not of any certain guide. The bovate or oxgang of land, according to Spel-

<sup>1</sup> Cartulary of Kelso, MS. Rotulus Reddituum Monasterii de Kalchow.

man and Ducange, contained eighteen acres ; a carucate contained eight bovates ; and eight carucates made up a knight's fee ; but that the same measures obtained in Scotland cannot be confidently asserted. And we know that they varied even in England ; and that a deed, quoted in Dugdale's *Monasticon*, makes the bovate contain only ten acres ; whilst Skene, upon no certain authority, limits it to thirteen.

In the same monastic roll we find, that Hugo Cay had a small farm, which consisted of one bovate, for which he paid to the monks a rent of ten shillings ; and for a cottage, with six acres attached to it, and a malt-house, the tenant gave six shillings a-year. At a remote period, under Alexander the Second, the monks of Melrose purchased, from Richard Barnard, a meadow at Farningdun, consisting of eight acres, for thirty-five merks. In 1281, we have already seen, that the portion of Margaret, Princess of Scotland, who was married to Eric, King of Norway, was fourteen thousand merks. At the same time it was stipulated, that, for one-half of the portion, the King of Scotland might, at his option, assign to the King of Norway, during the continuance of the marriage, rents of lands amounting to a tenth part of the money, or to seven hundred merks yearly ; whilst it was settled, that the princess was to have a jointure of one thousand, four hundred merks ; and in both the public instruments drawn up upon this occasion, an annuity upon the life of Margaret, then in her twenty-first year, was valued at ten years' purchase.<sup>1</sup> In

<sup>1</sup> History, vol. i. pp. 55, 56.



1350, a perpetual annuity of eight merks Sterling, or five pounds, six shillings, and eight pence, secured on land, was bought for one hundred and twenty merks, being exactly fifteen years' purchase. To any of my readers who may be solicitous to pursue these enquiries farther,—to investigate the comparative value of food and labour in the sister countries, and their relation to the prices in the present day, I would recommend the Table of the Prices of Corn, and other necessary articles, subjoined to M'Pherson's *Annals of Commerce*,—a work which is a storehouse of the most authentic and interesting information upon the early history, not only of European commerce, but of European manners.

<sup>1</sup> Hailes' *Annals*, vol. ii. p. 275. M'Pherson's *Annals of Commerce*, Appendix, vol. iv. No. III. Chronological Table of the Prices of Corn, and other necessary articles.

## SECTION V.

## STATE OF THE EARLY SCOTTISH CHURCH.

IN reference to any efforts for the religious instruction or improvement of the people, the Scottish Church was equally cold, idle, and useless, as the rest of the Catholic churches in Europe. Her services were performed, and the Bible was shut up, in an unknown tongue, whilst a system of masses and homilies, sometimes not understood even by the priests who performed them, and a blind adoration of relics, saints, and images, usurped the place of that holy and spiritual worship which can alone be acceptable to God. So far, therefore, as regards these paramount objects, there is nothing in our ecclesiastical annals at this period but a dark void ; yet another subject remains upon which it will be necessary to say a few words ; I mean the civil influence which the church exerted upon the character of the government and of the people. And here I cannot help observing, that the history of her early relations with Rome, is calculated to place our clergy in a very favourable light as the friends of liberty. The obedience which, in common with the other churches in Christendom, they were disposed to pay to the great head of the Catholic religion, was certainly far from partaking of that obsequious servility, which it was the main object of the Papal throne to impose upon its subjects ; and it is singular that the same fervid national spirit,

the same genuine love of independence, which marks the civil, distinguishes also the ecclesiastical annals of the country. The first struggles of our infant church were directed, however, not against the encroachments of the Papal power, but against the attacks of the metropolitan sees of York and Canterbury. It was, at an early period, the ambition of one or other of these potent spiritual principalities to subject the Scottish primate, the Bishop of St Andrews, to the dominion of the English church, by insisting upon his receiving the rite of consecration from the hands of one of the archbishops of England; and nearly the whole reign of Alexander the First was spent in a determined resistance against such an encroachment, which concluded in the complete establishment of the independence of the Scottish church.

To introduce civilisation and improvement amongst his subjects, and to soften the ferocity of manners and cruelty of disposition, which characterised the different races over whom he ruled, was the great object of Alexander's successor, David the First; and he early found that the clergy, undoubtedly the most enlightened and learned class in the community, were his most useful instruments in the prosecution of this great design. Hence sprung those munificent endowments in favour of the church, and that generous liberality to the ecclesiastical orders, which has been too rashly condemned, and which was, perhaps, necessary, in another point of view, in providing something like a counterpoise to the extravagant power of the greater nobles. Under this monarch, the individual freedom of the Scottish church was rigidly

maintained; while, at the same time, it declared itself a willing subject of the Papal throne, and received the legate of the Supreme Pontiff with much humility and veneration. Individual independence, however, was esteemed in no degree incompatible with a general acknowledgment of subjection to the Chair of St Peter; and it is remarkable, that, at this remote period, there are traces of a freedom of discussion, and a tincture of heretical opinions, which, if we may believe an ancient historian, had, for a long time, infected the faith of the Scottish clergy.<sup>1</sup>

After a feeble and ineffectual attempt, under the reign of Malcolm the Fourth, to renew the attack upon the freedom of the church, which passed over without any important result, the captivity of William the Lion was ungenerously employed by Henry, to extort an acknowledgment of spiritual, as well as feudal subjection; but on this memorable occasion, the dexterous diplomacy of the Scottish commissioners, the Bishops of St Andrews and Dunkeld, procured the insertion of a clause in the treaty, which left the question of the independence of the national church open and undecided;<sup>2</sup> and at a council, soon after held at Northampton, in the presence of the Papal legate, the Scottish bishops asserted their liberty, declaring, that they never had yielded any subjection to the English church; and opposing, with a zeal and boldness which, in this instance, proved successful, the absurd pretensions of the rival sees of York and Canterbury.<sup>3</sup>

<sup>1</sup> J. Hagulstad. p. 325.

<sup>2</sup> Fœdæra, vol. i. p. 39.

<sup>3</sup> Fordun a Goodal, vol. i. p. 474.

Hitherto engaged in repelling these inferior attacks, the Scottish clergy soon after found themselves involved, by the imperious character of the king, in a serious contention with the Popedom itself. On the death of the Bishop of St Andrews, the chapter chose, for his successor, an English monk, in opposition to the wishes of the king, who intended the primacy for Hugh, his own chaplain. With the violence which marked his character, William immediately seized the revenues of the see; procured Hugh to be consecrated; put him in possession; and when his rival, who had appealed in person to the Pope, returned with a decision in his favour, he was met by a sentence of banishment, which involved his whole family and connexions in his ruin. Legatine powers were instantly conferred, by the incensed Pontiff, on the Archbishop of York and the Bishop of Durham, with a reserved authority to direct the thunder of excommunication against the king, in the event of his contumacy; and the clergy of the diocese of St Andrews were commanded, upon pain of suspension, to acknowledge the authority of the extruded primate. But nothing could shake the firmness of William. He replied to this new sentence of the Pope, by banishing every person that dared to yield obedience to the papal favourite; upon which the sentence of excommunication was pronounced by the legates, and the kingdom laid under an interdict. At this critical and terrible moment, when the monarch's determination to assert his own right of nomination had, in the sense of those times, plunged the land in spiritual darkness, the Pontiff, Alexander the Third,

died, and the King of Scotland lost not a moment in sending his commissioners to Rome, who succeeded in procuring from Lucius, the new Pope, an immediate recall of the sentence of excommunication and interdict, and an ultimate decision in favour of the king. The mode in which this was done was ingeniously calculated to gratify William, without detracting from the supreme authority of the Roman see. The two rival candidates, John and Hugh, came forward, and resigned into the hands of the Pope all right to the contested bishoprick; upon which the Pope installed Hugh, the favourite of the king, in the throne of St Andrews, and placed John in the inferior see of Dunkeld; a memorable triumph, which, at a time when the proudest monarchs in Europe were compelled to tremble before the terrors of the Popedom, does honour to the courage and independence of the Scottish king.<sup>1</sup>

Not long after, Lucius, in his paternal anxiety to demonstrate his affection for his northern son, sent the golden rose to William, an honour rarely bestowed, and highly prized in that age; and this distinction only led to more important privileges, conferred by Clement the Third, the successor of Lucius, upon the Scottish church.<sup>2</sup> It was declared, that in consequence of William's devoted and zealous affection to the chair of St Peter, (a singular compliment to a prince, who had lately opposed its encroachments in so determined a manner,) the Scottish church was adopted

<sup>1</sup> R. Hov. Hist. pp. 621, 354.

<sup>2</sup> Chron. Melross, p. 175. Gualelm. Neubrig. p. 754.

as the special and favourite daughter of the apostolic seat, and declared to be subject to no other intermediate power whatever. To the Pope alone, or to his legate a latere, was permitted the power of publishing the sentence of interdict and excommunication against Scotland ; upon no one unless a native of Scotland, or at least a person specially deputed for this purpose from the apostolic seat itself, was the office of legate to be conferred ; and in the event of any controversies arising regarding benefices, it was solemnly enacted, that no appeal should be competent to any foreign tribunal, except that of the Romish church.<sup>1</sup>

These were high privileges ; they at once put an end to the pretended superiority of the English church, and conferred upon the Scottish prelates a vantage ground, from which they jealously defended and eagerly watched the opportunity to extend and improve their rights. This is strikingly exemplified in the reign of the successor of William, Alexander the Second. The Scottish monarch had dared to make war upon John, King of England, at the time that he had placed himself and his subjects under the peculiar protection of the Pope ; a proceeding which drew down a sentence of excommunication and interdict against Alexander and his subjects. The temper with which this was received, seems to have convinced the Roman court, that the terrors of his spiritual thunder were little felt in Scotland ; and fearful perhaps of losing its influence altogether, it permitted the Scottish king, without performing the

<sup>1</sup> Chronicon Joan. Brompton, p. 1196.

ignominious penance which generally preceded absolution, to be again welcomed into the bosom of the church. At the same time, the sentence was removed from the whole body of his lay subjects ; but the prelates and the rest of the clergy found, that they could only be restored to the exercise of their spiritual functions, upon the payment of very large sums of money to the legate and his deputed.<sup>1</sup> Against this extortion, the king, jealous of the rights of his clergy, appealed to Rome, and obtained a judgment in his favour, which declared that the legate had exceeded his powers, and confirmed the privileges of the Scottish church. But this led to a still more important concession. In a moment of carelessness or indulgence, Honorius, listening to the artful representations of the Scottish clergy, who lamented, that, from the want of a Metropolitan, they could not hold a provincial council, and that, in consequence of this misfortune, many enormities had been committed, authorized them to dispense with this necessary solemnity, and to assemble a general council of their own authority. This permission, there cannot be the least doubt, was meant to be temporary ; but it was loosely expressed, and the Scottish clergy instantly perceived and availed themselves of its ambiguity. They affected to understand it as of perpetual authority, and, assembled under its sanction, drew up a distinct form of proceeding by which the Scottish provincial councils should in future be held, instituted the office of Conservator Statutorum, and continued to assemble frequent provincial

<sup>1</sup> Fordun a Goodal, vol. ii. p. 40.

<sup>2</sup> Ibid. vol. ii. p. 42.



councils, without any further application for the consent of the Holy see<sup>1</sup>. This happened in 1225, and the important right which had been gained, was soon apparent. For a long period, Scotland had impatiently submitted to the repeated visits and extortion of a papal legate, who, under the specious pretext of watching over the interests and reforming the abuses of the church, assembled councils, and levied immense sums of money in the country. On the meeting of the Scottish king and Henry the Third at York, Otho, a cardinal deacon, and at that time legate in England, took an opportunity to intimate his intention of visiting Scotland, in order to enquire into the ecclesiastical concerns of the kingdom. "I have never seen a legate in my dominions," replied Alexander, "and as long as I live, I will not permit such an innovation. We require no such visitation now, nor have we ever required it in times past." To this firm refusal the king added a hint, that should Otho venture to disregard it, and enter Scotland, he could not answer for his life, owing to the ferocious habits of his subjects, and the Italian prudently gave up all idea of the expedition.<sup>2</sup> But the thirst for gold, and the good things of the land, was checked, not extinguished, in the breast of the papal emissary; and after a few years, Otho again attempted to make his

<sup>1</sup> Cart. of Moray, vol. i. p. 11. The canons of the church of Scotland were transcribed by Ruddiman from the Cartulary of Aberdeen, and communicated to Wilkins, who published them in the first volume of the *Concilia Magnæ Britanniae*. They were afterwards printed by Lord Hailes, with notes.

<sup>2</sup> Math. Paris, p. 377.

way into Scotland. Alexander met him while he was yet in England, and a violent remonstrance took place, which ended in the legate being permitted to hold a council at Edinburgh, under a positive stipulation given under his seal, that this permission to enter the kingdom, should not be drawn into a precedent. The king, however, refused to countenance by his presence, what he affirmed to be an unnecessary innovation, and retired into the interior of his kingdom; nor would he suffer the legate to extend his pastoral care or pecuniary exactions beyond the Forth.<sup>1</sup>

In Alexander the Third, who equalled his predecessor in firmness, and surpassed him in sagacity, the church found a resolute patron and defender. A summons, by a papal legate, addressed to the clergy of Scotland, commanding them to attend his court at York, was pertinaciously resisted, as being an infringement of their ancient privileges;<sup>2</sup> whilst an attempt to levy money upon the cathedrals and parish churches, and to enter the country, was opposed by the king, and in both instances the opposition was successful.<sup>3</sup> But this was not all. The Scottish clergy openly disclaimed obedience to the canons for the regulation of the ecclesiastical affairs of the country, which were enacted in a council held by the papal legate in England, and, aware of their own strength, assembled a provincial council at Perth, in which they promulgated canons of their own, and boldly asserted their in-

<sup>1</sup> Math. Paris, p. 422.

<sup>2</sup> Fordun a Goodal, vol. ii. p. 96.    <sup>3</sup> Ibid. vol. ii. p. 105.

dependence. In this manner, the opposition, which the firmness of the second Alexander begun, the courage and resolution of his successor completed ; and, before the conclusion of his reign, the independent rights of the Scottish church may be regarded as completely established.

Whilst the Scottish monarchs and their clergy were thus amicably united in their resolutions to establish the independence of the church, the internal relations which united the civil and ecclesiastical authorities, and the good understanding subsisting between the crown and this great branch of the state, were little interrupted by those fierce contentions which disturbed the repose of many other European kingdoms ; and the superior information and influence of the church was employed by our monarchs as a means of improving the savage habits of their people, and as a counterpoise to the exorbitant power of the great feudal nobles. It was amongst the clergy alone, that at this early period we find any thing like a progress in the arts and in literature, if indeed the learning of our country during this age deserves so high a name. In their profound disquisitions in scholastic theology, in an acquaintance with the civil and canon law, in the studies of alchemy and judicial astrology, and, in some rare instances, in a knowledge of the Oriental languages and the mathematics, the clergy of Scotland were not far behind their brethren of Europe. There were a few individual instances, in which the subtil, fervid, and indefatigable mind, which, according to Galileo, marked the Scots at the era of the revival of letters, was to

be seen amongst the Scottish scholars and philosophers of this remote age.<sup>1</sup> John Duns Scotus, a name which is now associated with feelings of unmerited ridicule, who was the founder of a school which extended its ramifications through every country in Europe; for the encouragement of which, princes lavished their treasures, and the most noted universities were ready to devote their exclusive patronage, was undoubtedly a Scotsman, born in the Merse in the latter end of the reign of Alexander the Third. Unable to procure instruction in any of the higher branches of knowledge in his own country, he pursued his studies at Oxford, and from this school of learning repaired to Paris, where he found an asylum at the time that the arms of Edward the First had gained a temporary triumph over the liberties of his native country. The labours of this indefatigable schoolman, shut up in twelve folios, once handled with reverential awe, enjoy undisturbed repose upon the shelves of many a conventual library; yet his genius undoubtedly impressed itself strongly and lastingly upon his age, and the same mind, if fallen on better days, might have achieved less perishable triumphs, and added to the stock of real knowledge.<sup>2</sup>

It has been already remarked, that in those dark days, in Scotland as well as in every other country in Europe, the whole stock of learning and science was shut up in the church; and as the great body

<sup>1</sup> This curious fact will be found mentioned in Sir R. Sibbald, *Historia Literaria Gentis Scotorum*, p. 30. MS. in the Advocates' Library at Edinburgh.

<sup>2</sup> Cave, *Hist. Literaria*, vol. ii. p. 3 of the Appendix.

of the Scottish clergy received their education in the universities of Oxford or Paris, for as yet no great seminaries of learning had arisen in our own country, we must look for the intellectual acquirements of this influential body in the nature of the studies which were then fashionable in the schools. That period of time which elapsed from the commencement of the thirteenth to the beginning of the fourteenth century, has been distinguished in the history of human knowledge, by the title of the scholastic age; and a very slight view must convince us how wofully dark a picture it presents. It is marked by the rise of the second age of the scholastic theology, in which the Aristotelian logic and metaphysics were for the first time introduced into the demonstrations of divine truth, and employed as an aid in the explanation of the Holy Scriptures.

The compilation of voluminous and intricate systems of divinity which was introduced in the Greek church, as early as the eighth century, by John of Damascus, and in the Latin by the unfortunate Abelard, seems to have suggested to Peter Lombard the idea of compiling what he termed his *Four Books of the Sentences*, which he extracted from the writings of the fathers, and more especially of St Augustine.<sup>1</sup> This work acquired in a short time a very extensive reputation, and its author, known by the name of the *Master of the Sentences*, became the founder of the scholastic theology; but this great system continued for a

<sup>1</sup> Ibid. vol. ii. p. 221. Spanheim, *Epitome Isagogica ad Hist. Novi Test.* p. 394.

century comparatively pure and unsullied, nor was it till its second age that we meet with the perpetual reference to the dogmas of Aristotle, which, with equal absurdity and impiety, were quoted as giving strength and authority to the word of God. In progress of time the error gained strength, and poisoning the sources of truth and knowledge, transformed the pure doctrines of the Scriptures, as they are found in the Bible, into an unmeaning rhapsody of words. Under both these ages of the scholastic theology, Scotland produced scholars whose reputation stood high in the schools. Richard, a prior of St Victor, at Paris, and Adam, a canon regular of the Order of Premonstratenses illuminated the middle of the thirteenth century by very voluminous expositions upon the Prophecies, the Apocalypse, and the Trinity, by treatises on the threefold nature of contemplation, and soliloquies on the composition and essence of the soul; while, during the second age of the scholastic theology, John Duns delivered lectures at Oxford to thirty thousand students.<sup>1</sup> In the exact sciences, John Holybush, better known by his scholastic appellation, Joannes de Sacrobosco, acquired during the thirteenth century a very high reputation, from his famous treatise upon the sphere, as well as by various other mathematical and philosophical lucubrations; and although claimed by three different countries, the arguments in favour of his being a Scotsman are not inferior to those asserted by England and Ireland. Like

<sup>1</sup> Cave, *Hist. Liter.* vol. ii. p. 228. *Ibid.* Appendix, p. 3.

his other learned brethren, who found little encouragement for science in their own country, he resided in France; and even at so late and enlightened a period as the sixteenth century, and by no less a scholar than Melancthon, was Sacrobosco's work, the *Comptus Ecclesiasticus*, esteemed worthy of the editorial labours of this reformer. Another very extraordinary person, who figured in those remote times, and over whose life and labours superstition has thrown her romantic and gloomy light, was Michael Scott, the astrologer of the Emperor Frederic the Second, and the great assistant of that monarch in his plan for restoring the works of Aristotle, through the medium of translations from the Arabic, to the learned world of Europe. Previous to his reception at the Court of Frederic, Michael had studied at Oxford, and he afterwards visited France, Italy, and Spain, in the unwearied pursuit of such knowledge as the great universities of those countries afforded to the students of the thirteenth century. Mathematics, astronomy, and the sister art of astrology, were his favourite pursuits; and in Spain, then partly in possession of the Arabians, and assuredly at this time the most enlightened portion of Europe, he acquired that intimate acquaintance with the Arabic, which, in the general ignorance of the Greek language, was the only source from whence a knowledge of the Aristotelean philosophy could be derived. In obedience to the injunctions of the Emperor, Michael Scott commenced his labours; and from the manuscripts which he has left, and which have reached our times, it is

probable that he did not conclude them until he had translated and commented on the greater part of the works of the Stagyrte.<sup>1</sup> From the plan of Frederic, however, or the versions of the Scottish philosopher, little real benefit could be derived to science, for the Arabians had themselves greatly corrupted Aristotle; and we need not wonder that translations from such sources, and made in utter ignorance of the language of the original, must have retarded rather than accelerated the progress of real knowledge. Accordingly, Roger Bacon, a man whose genius was infinitely superior to the age in which he lived, is not unsparing in his censure, and, in no very measured phrase, accuses the wizard of being at once a plagiarist and an impostor.<sup>2</sup> As a mathematician and astronomer, he is entitled to less dubious praise; and his commentary on the "Sphere of Sacrobosco," was thought worthy of being presented to the learned world of Italy at so late a period as 1495.<sup>3</sup> It may be conjectured, therefore, that Michael owes much of his fame to his assumption of the character of a prophet and a magician; and that if the greatest of our Scottish minstrels had not embalmed him in his imperishable poem, and the high-

<sup>1</sup> Jourdain *Recherches Critiques sur l'age des Traductions Latines D'Aristotle*, pp. 132, 133.

<sup>2</sup> "Michael Scotus, ignarus quidem et verborum et rerum; fere omnia quæ sub nomine ejus prodierunt ab Andrea quodam Judæo mutuatus est." Roger Bacon apud Jourdain, p. 141. This learned Oriental scholar conjectures, that in the above passage, for Andrea, we should read Avendar Judæo.

<sup>3</sup> Panzeri *Annales Typogr.* vol. i. p. 231.



wrought superstition of his country interwoven his dreaded predictions into the body of her romantic legends, his name might long ago have sunk into oblivion.<sup>1</sup> He was Baron of Balwearie in Fife, and must have been born previous to the year 1217.<sup>2</sup> The name of John Suisset, whose profound mathematical attainments are commemorated by Scaliger and Cardan, completes the brief catalogue of those philosophers and men of science whom Scotland, in that remote age, sent out to contest the palm of intellectual superiority with their brethren of Europe; and when we consider, that every thing which could afford an encouragement to letters or to science was then a desideratum in our country, it is honourable to find, by the acknowledgment of the scholars of Italy, "that the barbarians were considered not inferior in genius to themselves."<sup>3</sup>

In turning, however, from such rare examples of talent in the church, to the literary attainments of the nobility, or to the means of instruction possessed by the great body of the people, the prospect is little

<sup>1</sup> "Michael iste dictus est spiritu prophetico clariuisse; edidit enim versus, quibus quarundam Italise urbium ruinam variosque predixit eventus." Pipino apud Jourdain, p. 131. See also Benvenuto da Imola's Commentary on the *Inferno*, book xx. v. 115.

<sup>2</sup> This is evident from a Latin MS. at Paris, which bears to have been translated by Michael Scott at Toledo, anno Christi MCCXVII.

<sup>3</sup> In speaking of Suisset and John Duns, Cardan, in his *Treatise De Subtilitate*, p. 470, observes, "Ex quo haud dubium esse reor, quod etiam in libro de Animi Immortalitate scripsi, barbaros ingenio nobis haud esse inferiores, quandoquidem sub brumæ cælo divisa toto orbe Britannia duos tam clari ingenii viros emisit." Irving's *Lives of the Scottish Poets*, p. 31.

else than a universal blank. During the long period from the accession of Alexander the Third to the death of David the Second, it would be impossible, I believe, to produce a single instance of a Scottish baron who could sign his own name. The studies which formed the learning of the times were esteemed unworthy of the warlike and chivalrous spirit of the aristocracy, and universally abandoned to the church. Yet there is ample evidence in the Cartularies that Scotland, although possessed of no college or university, had schools in the principal towns, which were under the superintendence of the clergy, and wherein the youthful candidates for ecclesiastical preferment were instructed in grammar and logic. We find, for example, in the Cartulary of Kelso, that the schools in Roxburgh were under the care of the monks of Kelso during the reign of David the First; and that the rector of the schools of this ancient burgh was an established office in 1241.<sup>1</sup> Perth and Stirling had their schools in 1173, of which the monks of Dunfermline were the directors; and the same authentic records introduce us to similar seminaries in the towns of Ayr, South Berwick, and Aberdeen.<sup>2</sup>

It seems also probable that, within the rich and splendid monasteries and convents which, at this period, were thickly scattered over Scotland, there were generally to be found schools, taught by the monks,

<sup>1</sup> Cartulary of Kelso, pp. 1, 258, 343.

<sup>2</sup> Sir L. Stewart's Coll. Ad. Lib. No. 45. Cart. of Paisley, p. 284. Cart. of Aberdeen, pp. 74, 80, 81. Caledonia, vol. i. p. 767.

who were in the habit of receiving and educating the sons of the nobility.<sup>1</sup> It is certain that, attached to the cathedral church belonging to the Monastery of St Andrews, there stood a lyceum, where the youth were instructed in the Quodlibets of Scotus;<sup>2</sup> and that, as early as 1233, the schools of St Andrews were under the charge of a rector. A remarkable instance of this is to be found in the Cartulary of Kelso, where Matilda, the Lady of Moll, in the year 1260, grants a certain rent to be paid to the abbot and the monks of this religious house, under the condition, that they should board and educate her son with the best boys who were intrusted to their care.<sup>3</sup>

In the Accounts of the Chamberlain of Scotland we find an entry of twenty shillings, that were given by Robert Bruce in 1329, to the support of the schools at Montrose;<sup>3</sup> and the same record recounts a charitable donation of L.13, 6s. 8d. presented, by this monarch, to Master Gilbert de Benachtyn, for his support in his studies.<sup>4</sup> Yet the instances of eminent Scottish scholars which have been already noticed prove, very convincingly, that their own country could, at this period, afford them little else than the bare rudiments of education; and the consequent resort of

<sup>1</sup> Ant. Augustini Epitome Juris Pontificii Veteris, vol. ii. p. 34.

<sup>2</sup> Martin's Reliquiæ Divi Andree, p. 187.

<sup>3</sup> Cart. of Dunferm. M'Farlane's Transcript, p. 579.

<sup>4</sup> Comput. Camerarii Scotiæ, pp. 95, 96. See also p. 413, for this singular entry in the time of David the Second, anno 1364. "Et in victu et vestitu unius pauperis scholaris consanguinei dni nostri regis apud Edinburgh de mandato regis, 4 lbs."

students to France led to the foundation of the Scots College at Paris, in the year 1325, by David, Bishop of Moray,—an eminent seminary, which was soon replenished with students from every province in Scotland.<sup>1</sup>

In addition to the Scholastic Theology, both the Civil and the Canon Laws were ardently cultivated during the thirteenth and fourteenth centuries,—an eminence in these branches being considered the certain road to civil and ecclesiastical distinction. The titles of Doctor decretorum, Licentiatuſ in legibus, and Baccalaureus in decretis, are found, not unfrequently, subjoined to the names of our dignitaries in the church; and the Records of the University of Paris afford evidence that, even at this early period, the Scottish students had not only distinguished themselves in the various branches of learning then cultivated, but had risen to some of the highest situations in this eminent seminary.<sup>2</sup> From these foreign universities they afterwards repaired to their own country, bringing with them the learning, the arts, and the improvements of the Continent. There is evidence, in the history of the various foundations of our religious houses, by our early monarchs, that the clergy who were educated abroad were especially favoured at home; and after their settlement in the

<sup>1</sup> Irving's *Lives of the Scottish Poets*, Prefatory Dissertation, p. 61. Nicholson's *Scottish Hist. Library*, p. 77.

<sup>2</sup> Bulaeus. *Hist. Univers. Parisiens*, vol. iv. pp. 960, 968, 974, 969. Keith's *Catalogue of Bishops*, pp. 82, 83, 84. Mylne, *Vitæ Episcoporum Dunkeldensium*, p. 17. Editio Bannatyniana.

church, a constant intercourse with their Continental brethren enabled them to keep pace, in intellect and knowledge, with the great family of the churchmen of Europe. For such learning as then existed in the world, the monasteries afforded, in Scotland as in other countries, a sacred receptacle; and although the character of the theology there taught was low and puerile, and the state of the other branches of human learning deformed by superstition and error, yet, without the feeble spark preserved in the religious houses, and the arts of life which were there cultivated and improved by the clergy, the state of the country, during the period of which we are now writing, would have been deplorable indeed. Much that we know of the authentic circumstances of the times we owe to the monkish annalists, who employed their leisure in the composition of those rude chronicles which, distant as they are from the model of a grave or enlightened history, often convey to us very striking pictures. In every monastery in Scotland it appears to have been the custom to compile three sorts of register books; specimens of which having been saved from the wreck of time, enable us to form a pretty correct idea of their nature and contents.

The first was a general register, compiled in the shape of a chronicle, or book of annals, containing the events arranged under the years in which they happened. Such are the fragments entitled, "*Chronica de Origine Antiquorum Pictorum*," the "*Chronicon Sanctæ Crucis*," the "*Chronicle of Melross*," the short

fragment of the "Chronicle of Holyrood," the "Liber Pasletensis," and various other ancient "chronica," which were written anterior to the fatal year 1291, when Edward collected and carried away the historical records of the country.

The second species of monkish register was a bare obituary; in which we find recorded the decease and the interment of the various abbots, priors, and benefactors of the monastery. And the third was the Cartulary, in which the charters of the kings, or other great men who favoured the religious house; the bulls of the Popes; the revenues of their lands; the leases granted to their vassals or dependents; the history and the proceedings of the various lawsuits in which they were engaged; the taxes which they paid to the crown; and many other minute and interesting particulars, are recorded.<sup>1</sup> The collection of these last is fortunately much more complete than we should have anticipated from the lamentable havoc and destruction which occurred at the period of the reformation. Many of the original Cartularies are preserved in that noble repository of manuscripts which is the property of the Faculty of Advocates; others have been discovered in the libraries of ancient families, or of private collectors; and it is in this great storehouse of authentic records that there is to be found, although in a shape very barbarous and repulsive to the general reader, the most fresh and living pictures of the manners of the times.

<sup>1</sup> Nicholson's Scot. Hist. Library, p. 77.

This period, however, besides these monkish annalists, produced one writer of original genius. I mean Barbour, the metrical historian of Bruce, of whose work it is difficult to say whether it ranks highest as a faithful history of this great monarch, and of the manners of his age, or a graphic and spirited poem, full of noble sentiment, and occasionally varied with beautiful descriptions of natural scenery. It is in every respect a very remarkable production for so early an age as the middle of the fourteenth century, and contains many passages, which, in the strength and purity of the language, in the measured fulness of the rhythm, and the richness of the imagery, are not inferior to Chaucer.<sup>1</sup> Its author was born about the year 1316, and after having received the rudiments of his education in his own country, pursued his higher studies at Oxford, and afterwards in France.<sup>2</sup> On his return to his native country, he rose to a considerable preferment in the church, and devoted the leisure which he spared from the duties of his archdeanery, to the composition of his great national poem, for which he was rewarded by a pension from Robert the Second.<sup>3</sup> Another work of this writer was a history or genealogy of the Kings of Scotland, compiled, in all probability, from Wace, or Geoffrey of Monmouth, and entitled the *Brute*. It is mentioned in Winton's Chronicle,<sup>4</sup> but

<sup>1</sup> Warton's *Hist. of English Poetry*, p. 318.

<sup>2</sup> Jameson's *Memoirs of the Life of Barbour*, p. 6.   <sup>3</sup> *Ibid.* p. 8.

<sup>4</sup> Winton's *Chronicle*, book 3. c. 3. v. 139. vol. i. p. 54. Ellis's *Specimens of the Early English Poets*, vol. i. p. 228.

has not reached our times. Winton himself, and his brother historian Fordun, both writers of great value, do not properly belong to this period.

Considerably prior, in point of time, to Barbour, was the celebrated Thomas the Rhymer, or Thomas of Ercildoune, the author of the romance of Sir Tristrem, a poem which enjoyed the highest celebrity, not only in his own country and in England, but throughout Europe. It has been observed as a very remarkable circumstance, that while, prior to the period of Chaucer, there is to be found no English romance which is not a translation from some earlier French original; and at the time when the progress of the English language in the country which has given it its name was retarded by many powerful obstacles, the poets of the south of Scotland appear to have derived their romantic fictions from more original sources, and to have embodied them in a dialect of purer English, than the bards of the sister kingdom. In the romance of Sir Tristrem, written about the middle of the thirteenth century,<sup>1</sup> and in two other more ancient Scottish romances, Gawen and Gologras, and Goloran of Galloway, so very scanty are the traces of any thing like a French original, that, according to the conjecture of the great writer to whom we owe the publication of the first and most interesting of these early relics, it is probable they have been originally extracted from that

<sup>1</sup> Introduction to the Romance of Sir Tristrem, by Sir Walter Scott, p. 12. Ibid. p. 54.



British mine of romantic fiction from which have proceeded those immortal legends of Arthur and his Knights, which took such a hold on the youthful imagination of Milton. The names of all the important personages in the story are of British origin; and it is conjectured, upon data which it would be difficult to controvert, that in Tristrem himself, however transformed by the poetic colouring of Thomas of Ercildoune, we are to recognise an actual British warrior, who, in the last struggles of the little kingdom of Cornwall against its Saxon invaders, signalized himself by those exploits which have given the ground-work to this poetic romance.<sup>1</sup> In England, the Norman conquest, and the consequent prevalency of the Norman-French, which became the language of the court, and the medium in which all legal proceedings were carried on, necessarily corrupted the purity of the Saxon language. "In England," to use the words of Sir Walter Scott in his Introduction to Sir Tristrem, "it is now generally admitted, that after the Norman conquest, while the Saxon language was abandoned to the lowest of the people, and while their conquerors only deigned to employ their native French, the mixed language now called English existed only as a kind of *lingua Franca*, to conduct the necessary intercourse between the victors and the vanquished. It was not till the reign of Henry the Third that this dialect had assumed a shape fit for

<sup>1</sup> Introduction to the Romance of Sir Tristrem, by Sir Walter Scott, pp. 52, 53.

the purposes of the poet; and even then it is most probable that English poetry, if any such existed, was abandoned to the peasants and menials, while all who aspired above the vulgar, listened to the *lais* of Marie, the romances of Chrestien de Troyes, or the interesting *fabliaux* of the Anglo-Norman *trouveurs*. The only persons who ventured to use the native language of the country in literary compositions were certain monkish annalists, who usually think it necessary to inform us that they descended to so degrading a task out of pure charity, lowliness of spirit, and love to the 'lewed men,' meaning the lower classes, who could not understand the Latin of the cloister, or the Anglo-Norman of the court."

Whilst such was the case in England, the formation of the language spoken in the sister country took place under very different circumstances; so that, instead of considering the language in which Thomas of Ercildoune and his successors have written as a daughter of the Anglo-Saxon, it would be more correct to regard it as an independent stream derived from the great fountain of the ancient Gothic, but coming to us in Scotland through purer channels than those wherein it flowed into England. Into the great controversy regarding the origin of the Pictish people it would be entirely out of place to enter at present; although a careful examination of the original authorities, upon both sides of a question which has been agitated with an asperity peculiarly inimical to the discovery of the truth, inclines me to consider them as a race of Gothic origin; an opinion supported

by the united testimony of Bede, Nennius, Gildas, and the Saxon Chronicle.<sup>1</sup> Every hypothesis which has been adopted to account for the introduction of the Saxon language into Scotland, from England, by the gradual influx of Saxon and Norman nobles, by the multitude of English captives taken in war, or by the marriage of Malcolm Canmore with a Saxon princess, seems extremely unsatisfactory; and it appears a far more tenable theory to suppose, that in the great kingdom of Strathclyde, which came at last to be wrested from the original British tribes by the Saxons, in the large district of the Lothians and of Berwickshire, which was entirely peopled by Saxons, and in the extensive dominions of the Picts, a race of people descended from the same Gothic stem, there was formed, in the progress of centuries, a Gothic dialect which we may call the Scoto-Saxon, similar to the Anglo-Saxon in its essential character, but from the circumstances under which its formation took place, more unmixed with any foreign words or idioms. It was this Scoto-Saxon language, called by Robert de Brunne "strange Inglis," or "quaint Inglis,"<sup>2</sup> which appears to have been spoken by the Scots from the beginning of the twelfth century, and continued the language of the court and of the people down to the time of Barbour and Winton. It was in this language that the wandering minstrels of

<sup>1</sup> Jamieson's *Dissertation on the Origin of the Scottish Language*, pp. 2, 4, 26.

<sup>2</sup> Introduction to *Sir Tristrem*, p. 66.

those days composed their romantic legends of love or war ; and that the higher bards, who, to use the words of the ancient chronicler above quoted, wrote for " pride and noblye," and to satisfy their thirst for fame, composed the romances which were then popular in Scotland, and came, through the medium of translations into Latin and Norman-French, to be famous throughout Europe.<sup>1</sup> That the Gaelic was the language of the great body of the Celtic people, who at a very remote period overspread the greatest part of Scotland, and that it was understood and spoken by Malcolm Canmore himself, is a fact resting on the most undoubted evidence ; but it is equally certain, that such is the radical difference in the character and construction of these two tongues, that they have continued from the earliest period to the present day totally distinct, refusing to blend or amalgamate with each other. In like manner, the Norman-French, although understood by the Scottish monarchs and their nobility, and frequently employed in their diplomatic correspondence, seems never, as in England, to have usurped the place of the ancient national dialect of the Scoto-Saxon ; whilst the Latin, the language of science, of theology, of all civil and ecclesiastical contracts and legal proceedings, was solely understood by the monks and the clergy. It may be conjectured, therefore, on pretty strong grounds, that the mass of the people, to the south of

<sup>1</sup> Sir Walter Scott's Introduction to the Romance of Sir Tristrem, pp. 74, 75, 76.

the Firth of Tay, spoke the Scoto-Saxon, and that this "quaint Inglis," as it is called by Robert de Brunne, was a purer stream from the Gothic fountain than the English spoken or written at the same period in the sister country. Of this language very few specimens have reached our times in a genuine and uncorrupted state. The constant alterations which took place in early orthography, and in the gradual introduction of new idioms, render it impossible to quote any fragment as a correct specimen of the language of the period, which is only preserved in a writer of a later age, and is not itself written at, or at least within, a very short time of its real date. Thus we cannot say for certain that the little song or monody which has already been quoted, composed on the death of Alexander the Third, as preserved by Winton, is exactly in its genuine state, as the earliest manuscript of Winton; now extant, could not have been written prior to 1420 or 1421;<sup>1</sup> and in the long period of nearly a century and a half, a very great change must have taken place in the language. The manuscript of Thomas of Ercildoune's poem is, on the contrary, of great antiquity, and has been pronounced by able antiquaries to belong to the middle of the fourteenth century;<sup>2</sup> but it appears to have been transcribed in England, and must consequently have undergone many changes from its original pu-

<sup>1</sup> M'Pherson's Preface to Winton's Chronicle, p. 31.

<sup>2</sup> Dr Irving's MS. History of Scottish Poetry, p. 27. See postea, p. 367.

city. It still, however, contains many idioms which are at this day used in Scotland, although they have long ceased to be English, and its language exhibits, perhaps, the nearest approach to the genuine Scoto-Saxon which is to be found prior to the time of Barbour and Winton. The description of Roland Ris, the father of the good Sir Tristrem, is as follows :

“ He was gode and hende,  
Stalworth, wise, and wight ;  
Into this londes ende  
Y wot non better knight ;  
Trewer non to frende,  
And Rouland Ris be hight ;  
To batayl gan he wende ;  
Was wounded in that fight,  
Full felle :  
Blanche Flower the bright  
The tale them herd she telle.”<sup>1</sup>

The style of the poem is throughout exceedingly abrupt and elliptical ; and there is a concentration in the narrative, which, by crowding events into small room, produces an obscurity which renders it difficult to follow the story ; but there are some fine touches of nature ; and it is highly valuable for its pictures of ancient manners.

There is every reason to believe, that many other romances, written in the ancient Scottish, or Scoto-Saxon, were composed at this period, and that their authors were in high estimation, encouraged by kingly

<sup>1</sup> Sir Tristrem, p. 15.

patronage, and welcomed in the halls and castles of the feudal nobility. It unfortunately happened, that the art of printing was not yet discovered, so that the few written copies of such "gests and romances," which must have thrown such rich and striking lights upon the genius and manners of our ancestors, have long ago perished. The simple names of the authors, or "makars," with a brief and unsatisfying notice of the subjects of their composition, are all that remain. Amongst these shadows we find a venerable poet commemorated by Winton, in his Chronicle, under the name of "Hucheon of the Awle Ryall," or "Hugh of the Royal Court," whose great work was entitled the "Gest of Arthure." He appears, however, to have been a voluminous writer for those early days; as, in addition to "Arthure," he composed the "Geste of the Brute," the "Aventures of Sir Gawyn," and the "Pistil of Sweet Susan."<sup>1</sup> Of these works, the last, a short poem, founded on the story of "Susannah and the Elders," has reached our times. It is composed in a complicated alliterative stanza, in the use of which the bards of the "north countree" are reputed to have been especially skilful; but it undoubtedly contains no passages which, in any degree, support the high character given of its author by Winton. "It becomes all men," says this historian, "to love Huchone; who was cunning in literature, curious in his style, eloquent and subtile; and who clothed his

<sup>1</sup> Winton's Chronicle, vol. i. p. 121.

composition in appropriate metre, so as always to raise delyte and pleasure."<sup>1</sup> If any reader, with the help of a glossary, will consent to labour through the "Pistil of Sweet Susan," he will probably be disposed to come to the conclusion, either that it is not the identical composition of the bard of the "Awle Ryall," or that his merits have been infinitely overrated by the partiality of Winton. His great historical romance, however, or "Gest Historical," was, we may presume, a superior composition. In it he treated of subjects which were dear to the feelings and imaginations of our ancestors; of the doughty deeds of Arthur, of his worship and prowess, his conquests and royal estate, his round table and twelve peers; and it was, probably, in listening to these tales of love and war, that the ladies and knights of Winton's days experienced that "plesans and delyte," which we in vain look for in the only composition of his which has reached our days. It has been asserted by Chalmers, that in Hucheon of the "Awle Ryall" we are to recognise Sir Hugh de Eglinton, whose death is lamented by Dunbar, in his pathetic "Lament" for the death of the Scottish poets who had preceded him; but the grounds on which the opinion is founded appear exceedingly slight and superficial.<sup>2</sup>

<sup>1</sup> Winton's Chronicle, vol. i. p. 122.

<sup>2</sup> "I think there cannot be any doubt, whether Sir Hugh de Eglinton were not Hucheon of the 'Awle Ryale.'" Letter of Mr Chalmers to David Laing's Introduction to the *Pystyl of Swete Susan*.—It has been acutely observed by Dr Irving, in the third chapter of a History of Scottish Poetry, not yet published, but



Besides these higher poets of established excellence and fixed habitation, there can be no doubt that Scotland, from a very early period, produced multitudes of errant minstrels, who combined the characters of the bard and the musician, and wandering with their harp from castle to castle, sang to the assembled lords and dames those romantic ballads of love and war which formed the popular poetry of the day. It was impossible, indeed, that it should be otherwise. The Gothic tribes which, at a very early period, possessed themselves of the Lowlands; the Saxons and Northumbrians who dwelt on the Border; the Scandinavians or Norwegians, who for several centuries maintained possession of the islands, and of Ross and Caithness; and the Normans, whose original love for romantic fiction was cherished by their residence in France, were all passionately addicted to poetry. They possessed a wild imagination, and a dark and gloomy mythology; they peopled the caves, the woods, the rivers, and the mountains, with spirits, elves, giants, and dragons; and are we to wonder that the Scots, a nation in whose veins the blood of all those ancient races is unquestionably mingled, should, at a very re-

which it is to be hoped he will not long withhold from the world, "that when the author of Gowan and Gologras introduces the name of Hugh, he does not exhibit it in the form of Hucheon, but that both he and Winton exhibit it in the form of Hew." I have great pleasure in acknowledging the polite and liberal feeling with which Dr Irving communicated to me the three first chapters of his manuscript, and the assistance I have derived upon this, and many other occasions, from his learning and research.

mote period, have evinced an enthusiastic admiration for song and poetry, that the harper was to be found amongst the officers who composed the personal state of the sovereign, and that the country maintained a privileged race of wandering minstrels, who eagerly seized on the prevailing superstitions and romantic legends, and wove them in rude but sometimes very expressive versification into their stories and ballads; who were welcome guests at the gate of every feudal castle, and fondly beloved by the great body of the people? We learn from a curious passage in Giraldus Cambrensis, which has been quoted by Sir Walter Scott in his introduction to *Sir Tristrem*, that the country situated beyond the Humber and the limits of York, in remote times undoubtedly a part of the kingdom of Scotland, acquired much fame for a peculiar mode of singing in parts, which Giraldus describes with great minuteness, and in terms of high admiration. This ancient style appears to have been nothing more than a skilful combination of two voices, a base and a treble, “*una inferius submurmurante, altera vero superne demulcente pariter et delectante.*”<sup>1</sup>

In the reign of David the First, at the battle of the Standard, which was fought in 1138, minstrels, posture makers, and female dancers, accompanied the army;<sup>2</sup> and there can be little doubt that in Scotland, as in France and England, the profession of a minstrel combined the arts of music and recitation,

<sup>1</sup> *Sir Tristrem*, Introduction, p. 70.

<sup>2</sup> *Ethelredus de Belle Standardi*, p. 342.

with a proficiency in the lower accomplishments of dancing and tumbling.<sup>1</sup> In Giraldus Cambrensis, there is a remarkable testimony to the excellency of the Scottish music, during the reign of Henry the Second, who was contemporary with William the Lion. "In Ireland," says he, "they use for their delight only two musical instruments, the harp and the tabor. In Scotland we find three, the harp, the tabor, and the horn. In Wales they have also three, the harp, the pipe, and the horn. The Irish employ strings made of brass wire, instead of the gut of animals. It is the opinion of many at this day, that Scotland has not only equalled her mistress, Ireland, in musical skill, but has far excelled her, so that good judges are accustomed to consider that country as the fountainhead of the art."<sup>2</sup>

It seems to have been a custom in Scotland, as old at least as Alexander the Third, that when the sovereign made his progress through the country, minstrels and singers received him on his entrance into the towns, and accompanied him when he took his departure; and we find Edward the First, in his triumphal journey through the land in 1296, paying certain sums of money as a remuneration for the same melodious reception. Whether Bruce was himself a proficient in music, the favourite accomplishment of many a

<sup>1</sup> Bishop Percy's *Essay on the Ancient Minstrels*, p. xxv. and *Notes*, p. 62, note F.

<sup>2</sup> *Camdeni Anglica. Hiber. Normann*, p. 739. I have introduced *cornu* for *choro* in this sentence, perhaps too rashly; but it makes sense, whereas *choro* is unintelligible.

knight in those days, is not known, but he undoubtedly kept his minstrels; and we have already seen that, upon the marriage of David his son to the Princess Joanna of England, there is an entry in the accounts of the great chamberlain, which shows that the royal nuptials were cheered by Scottish and English minstrelsy;<sup>1</sup> and that the minstrels of the King of England having accompanied their youthful mistress into her new dominions as far as Dunbar, were there dismissed, with a largesse of four pounds from the king. At the coronation of David the Second, the minstrels again make their appearance; and, from the higher sums which are then given, it may be conjectured that a more numerous band had attended upon this joyous occasion, than at the nuptials at Berwick. They are presented with twenty pounds by the king, and receive ten from his consort.<sup>2</sup> There can be no doubt that, in many instances, these minstrels, besides being harpers or musicians, who sang and recited the popular poetry of the country, were themselves poets, who composed extemporaneous effusions, or, in more frequent instances, altered some well-known ditty of love or war to suit the taste, and, by a skilful change of name, to flatter the family pride, of the feudal baron in whose hall they experienced a welcome. It is difficult, unless we admit the existence of some such system of poetic economy, to account for the perpetual recurrence of the same individual stanzas, or at least of the same expressions, in many

<sup>1</sup> Chamberlain's Accounts. *Compotus Camerarii Scotiæ*, p. 96.

<sup>2</sup> *Ibid.* p. 228.



were much delighted with tragedies, comedies, ballads, and romances, founded on the story of Robin Hood and Little John, which the bards and minstrels used to sing, in preference to all others of the same kind of compositions.<sup>1</sup> These popular songs and ballads, of which we can merely trace the existence, were in all probability written by the minstrels and harpers, who not only crowded the castles of the great, but roamed over the country, and were welcome guests at every cottage door. Nor is it difficult to ascertain the cause why nearly every trace and relic of these ancient ballads has now perished. The clergy of those remote days were the only men who committed any thing to writing, and it is certain that the clergy were the bitter enemies of the minstrels, whom they considered as satirical rivals and intruders, who carried off from the church the money which might have been devoted to more pious and worthy uses. They talk of them as profligate, low-bred buffoons, who blow up their cheeks, and contort their persons, and play on horns, harps, trumpets, pipes, and Moorish flutes, for the pleasure of their lords, and who moreover flatter them by songs, and tales, and adulatory ballads, for which their masters are not ashamed to repay these ministers of the prince of darkness, with large sums of gold and silver, and with rich embroidered robes.<sup>2</sup>

<sup>1</sup> Forduni Scotichronicon a Goodal, vol. ii. p. 104.

<sup>2</sup> The proofs of this will be found in Ducange, voce *Ministrelli*. Rigordus, de rebus Gestis Philippi Agusti, ann. 1185. St August. tract. 100 in Joann. c. 6. *Compotus Hospitii Ducis Normannie*, ann. 1348.

From this natural antipathy of the clergy to the singers and minstrels, it has unfortunately happened that many a monkish Latin rhyme, composed in the miserable taste of the age, has been preserved with affectionate care, whilst the historic tales and ballads of this early period of our history have been consigned to what was then deemed a just and merited oblivion. And yet a single ballad on the death of Wallace, or the glory of Bruce, preserved as it then fell from the lips of a Scottish minstrel or a Scottish maiden, were now worth half the proud volumes of those pedantic schoolmen.

It is extremely difficult to collect any authentic information upon the musical instruments, or the character of the music, of this remote period. The only specimens of the musical instruments of the age, are to be found upon the rich stone carvings which ornament the pillars of the Gothic churches, and the tracery of the borders, windows, and gateways. Amongst these we meet with the figures of musicians, some of them so entire, as to give us a pretty correct idea of the shape at least of the instrument they hold in their hands. The flute with six holes, the bagpipe with a single drone, the viol with four strings, and the sounding holes above the bridge, and the lute, or at least an instrument approaching it in its shape, with six strings, are all discernible in the carvings of Melrose Abbey, and some of them appear in the beautiful specimen of the florid Gothic to be seen in Roslin Chapel.<sup>1</sup> What

<sup>1</sup> Statistical Account, vol. ix. p. 90. "On the south-east of this church are a great many musicians, admirably cut, with much plea-

was the particular style and character of the music performed by these instruments, or of the songs which they accompanied, it is now impossible to determine; and although the opinion of Ritson that none of our present Scottish melodies can be traced, upon any thing like authentic evidence, farther back than the Restoration, appears somewhat too sweeping and positive, it is nevertheless true, that, in the total want of authentic documents, it would be idle to hazard a conjecture upon the airs or melodies of Scotland at the remote period of which we now write. The church music, however, was in a different situation; and, owing to the constant intercourse of the great body of our clergy with the Continent, the same style of sacred music which had been introduced into the religious service of Italy, France, and England, must have been imported into our own country. If we may believe Dempster, a writer of somewhat apocryphal authority, Simon Taylor, a Scottish Dominican friar, as early as the year 1230, became the great reformer of the church music of Scotland, and by his inimitable compositions brought this noble art to vie with the music of Rome itself.

In 1250, when the body of St Margaret was removed, with much ecclesiastic pomp, from the outer church, where she was originally interred, to the choir beside the high altar, the procession of priests and abbots, who carried the precious load upon their

santness and gaiety in their countenances, accompanied with their various instruments."—Dalzel's *Desultory Reflections on the State of Ancient Scotland*, p. 56.



shoulders, moved along to the sounds of the organ, and the melodious songs of the choir, singing in parts.<sup>1</sup> It has been asserted, indeed, by my late venerable grandfather, in his Dissertation on Scottish Music, that we owe the first introduction of organs, and of a choral service, into the cathedrals and abbeys of Scotland, to James the First; but this can only be understood as applicable to the improved organs of the days of James the Fourth,<sup>2</sup> as we see there is certain evidence of the instrument, in its first rude state, existing in Scotland at a much earlier period. It would have been singular indeed, if the same invention, which is found in England as early as the reign of Edgar, and in Ireland during the ninth century, should not have made its way into Scotland till the reign of James the First.<sup>3</sup> Accordingly, in Fordun's account of the splendid nuptials of Alexander the Third, there is a minute description of a masque, which proves that in those days the Scottish musical instruments were not only of various sorts, but that some of those instruments were similar to the *organs* used in the performance of the tragedies, or mysteries, which were then frequently enacted by the clergy for the amusement and edification of the people.<sup>4</sup> The wise partiality of our early kings to the manners and customs of Eng-

<sup>1</sup> Fordun a Goodal, vol. ii. p. 83.

<sup>2</sup> Dissertation on Scottish Music, by William Tytler, Esq. of Woodhouselee. Antiquarian Transactions, vol. i. p. 482. "*Organa qualia nunc sunt*," is Boece's expression.

<sup>3</sup> M'Pherson's Annals of Commerce, vol. i. p. 252.

<sup>4</sup> Fordun a Goodal, vol. ii. p. 128.

land, the enthusiasm which David the First evinced for the erection of churches and monasteries, and the introduction of all the magnificence and solemnity of the Catholic worship amongst his rude and barbarous subjects, entitles us to conjecture, on strong grounds of probability, that the church music of Scotland, during the reign of this monarch, would be a pretty close imitation of that which was then to be found in the sister country. Ethelred, an author of high authority, and a friend and contemporary of David the First, gives us the following minute and curious account of the church music in his own days :—" Since all types and figures are now ceased, why so many organs and cymbals in our churches? Why, I say, that terrible blowing of the bellows, which rather imitates the frightsomeness of thunder than the sweet harmony of the voice? For what end is this contraction and dilatation of the voice? One restrains his breath—another breaks his breath—and a third unaccountably dilates his voice; and sometimes, I am ashamed to say, they fall a quavering like the neighing of horses. Next they lay down their manly vigour, and with their voices endeavour to imitate the softness of women. Then, by an artificial circumvolution, they have a variety of outrunnings. Sometimes you shall see them with open mouths and their breath restrained, as if they were expiring and not singing, and by a ridiculous interruption of their breath, they appear as if they were altogether silent. At other times, they look like persons in the agonies of death; then, with a variety of gestures, they per-

sonate comedians ; their lips are contracted, their eyes roll, their shoulders are moved upwards and downwards, their fingers move and dance to every note. And this ridiculous behaviour is called religion. And when these things are most frequently done, then God is said to be most honourably worshipped."<sup>1</sup> From this state of complicated perfection to which the religious music of England had arrived at so early a period, we may be permitted to attribute a considerable knowledge, if not an equal excellence, in the same science to our own country ; for we know that the Scottish clergy, in the cultivation of the arts which added solemnity and magnificence to their system of religious worship, were, in few respects, behind their brethren of the South. Yet this is certainly conjectural, and not founded upon accurate historic proof.

The churchmen of those remote times did not only monopolize all the learning which then existed. They were the great masters in the necessary and ornamental arts ; not only the historians and the poets, but the painters, the sculptors, the mechanics, and even the jewellers, goldsmiths, and lapidaries of the times. In a particular manner, from their proficiency in mathematical and mechanical philosophy, they were the principal architects of the age ; and the royal and baronial castles, with the cathedrals, mo-

<sup>1</sup> Aelred, *Speculum Caritatis*, b. ii. c. 20. Duaci, 1631, 4to, quoted in Pinkerton's *Introductory Essay to the Maitland Poems*, vol. i. p. 68.

nasteries, and conventual houses throughout Scotland, were principally the work of ecclesiastics.

Into the numerous and elegant arts then practised by the clergy it is impossible to enter ; but no apology will be required for submitting a few remarks upon the last-mentioned subject, the domestic and the religious architecture of the times ; as the question, In what sort of houses or fortalices were our ancestors accustomed to live ? is not one of the least interesting which presents itself in an enquiry into the ancient condition of the country.

At a very remote era, the fortifications in the Lowland counties of Scotland, inhabited by tribes of Gothic origin, were, in all probability, the same as the castles called Anglo-Saxon in England. Their construction partook of the rude simplicity of the times in which they were built. They consisted of an inner keep, or castle, surrounded by a strong wall, beyond which was a ditch, or deep fosse, sometimes twenty or thirty yards in breadth ; and beyond this again was raised an outer vallum or rampart, of no great height, and apparently composed alone of earth.<sup>1</sup>

<sup>1</sup> Strutt's *Manners and Customs of the Inhabitants of England*, vol. i. p. 25. " The ground-work of another of these Saxon castles is yet remaining at Witham, being between the church and the town ; the form and size of it are yet very visible. This castle was likewise built by Edward the Elder, who resided at the castle of Maldon while this was completing, which was about the year 912 or 914. The middle circle contains the keep or castle, and is about 160 yards in diameter, and 486 yards round ; the ditch is, in its present state, 260 feet in breadth, and beyond the ditch is the external vallum, which is yet in a very perfect condition, full four feet

They were generally placed on the brow of a steep hill, on a neck of land running into a river, or some such situation of natural strength; and, as the art of war, and the attack of fortified places, had made then but little progress, the security they conferred was equal to the exigences of the times.

In the earliest age of Saxon architecture, or at times when a temporary fortification was speedily required, it was common to build the walls round the castles of strong wooden beams. We learn, for instance, from the *Scala Chronicle*, that “*Ida caused the castle of Bamborow to be walled with stone, that afore was but inclosed with woode;*”<sup>1</sup> and the castle of Old Bale, in Yorkshire, is described by Camden as being, at first, fortified with thick planks of wood, eighteen feet in length, and afterwards encircled with a wall of stone. These stone walls were constructed in a singular manner. They were faced, both without and within, with large square blocks; and the space between the facings was filled with a deposit of small rough flint stones or pebbles, mixed up with a strong cement of liquid quick-lime.<sup>2</sup>

In the progress of years, the Saxons made great improvement in the art of building; and, in point of strength and security, their castles were capable of

high, and 18 or 20 feet in breadth, the circumference of the whole being about 1000 yards.”

<sup>1</sup> Leland's *Collectanea*, vol. i. p. 514.

<sup>2</sup> Will. Malmesbury, lib. ii. cap. 6. speaking of King Athelstan, “*Urbem illam (Exeter) quam contaminatæ gentis repurgio defæcaverat turribus munivit, muro ex quadratis lapidibus cinxit.*”

sustaining a very creditable siege; but the apartments were low, ill lighted, and gloomy: and it is not till some time after the conquest that we find the Norman style of architecture introduced, and a more lofty and magnificent species of structures beginning to arise in England, and to make their way, with the arts and the manners of this great people, into Scotland. Owing, however, to the remote era in which the Scoto-Norman castles were built, time, and in some instances the tasteless and relentless hand of man, have, in our own country, committed great ravages. The necessary policy, too, of Bruce, who dismantled and destroyed most of the castles which he took, has been fatal to the future researches of the antiquary and the historian; and few fragments of those ancient strengths remain, which can, on satisfactory grounds, be pronounced older than the reign of this monarch. Yet the records of the Chamberlain's Accounts, and the incidental notices of our early historians, furnish us with ample evidence that, in the building of castles and fortalices, and in the erection of those magnificent churches of which little but the ruins remain, Scotland had made great progress during the thirteenth century.

We have already seen the effectual precautions against attack which were taken by Alexander the Third, when it became certain that Haco, the King of Norway, had determined to invade his kingdom. The castles on the coast of Scotland were carefully inspected; and from the details regarding their repairs, which are to be found in the few extracts that

remain of the Chamberlain's Accounts under this monarch, some interesting information may be gathered.

The northern coast of Scotland was defended by a series or chain of strong castles of stone, fortified by towers and draw-bridges, and containing a dungeon, provided with iron fetters for the prisoners, accommodation for the stores and warlike engines, guard-rooms for the garrison, and a great hall or state apartment where the baron or chastelain resided and entertained his vassals. The situation of these castles was generally chosen with great skill. If on the coast, advantage was taken of the vicinity of the sea ; if in the interior, of some river or hill, or insulated rock, which rendered the approach on one side exceedingly arduous and difficult, while care was taken to fortify the remaining sides by a deep fosse, and strong walls, with towers at each angle. Caerlaverock, a strong castle of the Maxwells, is thus described by an eye-witness in the year 1300, when it was besieged and taken by Edward the First : "Its shape was like that of a shield, for it had only three sides all round, with a tower on each angle ; but one of the towers was a double one, so high, so long, and so large, that under it was the gate with the draw-bridge, well made and strong, and a sufficiency of other defences. It had good walls and good ditches, filled to the edge with water ; and I believe there never was seen a castle more beautifully situated, for at once could be seen the Irish sea towards the west, and to the north a fine country, surrounded by an arm of the sea, so that no living man could approach it on two sides

without putting himself in danger of the sea. Towards the south the attack was not easy, because there were numerous dangerous defiles of wood and marshes ; besides ditches where the sea is on each side, and where the river makes a reach round, so that it was necessary for the host to approach it towards the east where the hill slopes.”<sup>1</sup> This minute description of Caerlaverock may, with very slight alterations, introduced by the nature of the ground, or suggested by the fancy and ingenuity of the architect, be applied to most of the Scottish castles of the period. Two principles were to be followed out in their construction. They were to be fitted in the first place, for strength and resistance ; whilst, according to the rank of the feudal baron, provision was to be made for his being comfortably or splendidly accommodated ; and although the first requisite was invariably made to regulate and control the second, yet it is impossible not to admire the skill and ingenuity with which the genius of those ancient architects contrived to combine the two. The earliest specimens of the strong Anglo-Norman castle present us with a single square tower ; and it is evident that the lowest story of the castle, being most exposed to attack, was required to be formed in the strongest manner. We find, accordingly, that the walls in this part of the building which formed the chambers where the stores were kept, and the dungeons for the pri-

<sup>1</sup> Siege of Caerlaverock. Edited, with Notes, by Mr. Nicholas, pp. 61, 62.



soners, were invariably the strongest and thickest part of the building. These lower apartments were not lighted by windows, but by small loop-holes in the solid stone, so ingeniously constructed, that it was nearly impossible from without to discharge into them any arrow or missile, so as to injure the soldiers within. The wall itself, which was here about twelve feet thick, was built in the same way as those of the Saxon castles, being cased within and without with strong large square blocks of hewn stone, and filled up in the middle with flints embedded in fluid mortar; and we know that the same mode of building was employed in both countries, not only by an examination of the Scoto-Norman castles which remain, but by the evidence of the entries in the Chamberlain Accounts.<sup>1</sup> The entrance or principal door leading into the castle, was not in the lower story, but, for the purpose of security, generally placed pretty far up the wall, and communicating by a draw-bridge,<sup>2</sup> with a flight of steps or staircase of strong masonry. The door itself was not only secured by a strong gate of thick oak, with iron knobs, but by a portcullis or grating composed, some-

<sup>1</sup> Thus in the Chamberlain Accounts, Temp. Alex. III. p. 64. "Item in conductione cementariorum, et hominum fragmentum lapides fabrorum, et aliorum operariorum. In pastu et ferrura Equorum cariancium lapides, in calcem et in aliis minutis expensis factis circa constructionem Castri de Strivelin." 94 lib. 17 d. See Statist. Ac. vol. xviii. p. 417; Description of Kildrummie Castle, and of Dundargue, vol. xii. p. 578.

<sup>2</sup> See the Description of the Ancient Castle of Donaverty in Argyre, in which Bruce took refuge. Statist. Acc. vol. iii. p. 365.

times wholly of iron, sometimes of timber fenced with iron, furnished at the bottom with sharp spikes, and so constructed as to slide up and down in a groove of solid stone-work, made within the body of the wall, in the same way as we see a sash window slide in its frame.<sup>1</sup> Within the doorway, and built in the thickness of the wall, was generally a stone seat where the warder stationed himself, whose duty it was to keep castle guard, and who could at pleasure pull up the draw-bridge and lower the portcullis when he suspected an attack, or wished to have a safe parley with a suspicious guest. On the second floor were the apartments where the soldiers of the garrison had their residence and lodging, and which, as it was much exposed to attack, had generally no windows at all in the front wall. The rooms were lighted by loop-holes in the three remaining sides, which, surrounded by the strong wall enclosing the ballium or outer court of the castle, were more secure from the missiles of the enemy. The third floor contained the apartments of state, the hall of the castle where the baron lodged his friends and feasted his vassals. It was lighted by Gothic windows, highly ornamented, and was commonly hung with arras or rich tapestry, and adorned by a roof of carved oak. At each end of the apartment was a large recess in the wall, forming an arched fire-place, highly ornamented with rich carving, and frequently formed so

<sup>1</sup> Mr King's Observations on Ancient Castles, published in the *Archæologia*, vol. iv. p. 364, containing a most acute and ingenious examination of this interesting subject.

as to have a stone seat all round ; and in the middle of the hall was an oaken table, extending nearly the whole length of the apartment, and supported on beams or pillars of oak.

One of the finest specimens of the ancient feudal hall is still to be seen at Darnaway, which was the seat of the great Randolph. Its roof is supported by diagonal rafters of massive oak ; its height must originally have been above thirty feet, and its remaining proportions are eighty-nine feet in length, by thirty-five in breadth. At one end is a music gallery ; and in the middle of this magnificent apartment still stands the baron's board or table, supported on six pillars of oak, curiously bordered and indented with Gothic carving. His ancient oaken chair, in form not unlike the coronation chair at Westminster, and carved with his arms and the insignia of his office,<sup>1</sup> is still seen ; and although this description of Randolph's hall is not to be understood as applicable to the state apartment of all, or even of most, of our feudal castles ; yet, making allowance for the difference in the proportions, the plan and disposition of the room is the same in all, and was singularly well adapted for that style of rude and abundant hospitality, when every man, who followed the banner of his lord, found a seat at his table, and every soldier who owned a jack and a spear, might have a place at his hearth. The uppermost story in the castle was composed of rooms of smaller dimensions, which were lighted by windows of consi-

<sup>1</sup> Statist. Acc. vol. xx. p. 224.

derable size ; and in this highest floor, as from the great height there was little precautions to be taken against attack, the architect was at liberty to indulge his fancy in ornamenting the windows and the battlements ; so that it is not unfrequent, in the most ancient feudal castles, to find the windows in the floor next the roof of the largest dimensions, and with the richest carving of any in the building. It was in these highest rooms, that, during a siege, the catapults, balistæ, war-wolfs, and other instruments of annoyance and destruction, were placed ; and there was a communication between this highest story and the roof, through which they could be drawn up upon the leads of the castle as the exigences of the siege required.

Such was the general construction and disposition of the feudal castles of those remote times ; and any one fond of antiquities, and interested in the history of the country, may, in the course of a short tour in Scotland, convince himself of the truth of the description. Some, of course, were of larger dimensions, and covered a much greater extent of ground than others ; and according to the required strength and importance of the station, and the nature of the ground, to many was added an outer or base court, surrounded by walls and flanking towers. Besides this, the castle itself was commonly encircled by a strong outer wall, communicating with a tower, the interior of which formed a kind of vestibule to the principal entrance of the castle ; whilst, beyond the wall, was a broad breast-work or barbican, and a moat, which encircled the

whole building. In 1325, Bruce had commanded the castle of Tarbart to be inspected and repaired ; and a very minute account of the expense laid out in increasing the breadth of the walls, building a new tower, and fortifying the approach by a fosse, is to be found in the Chamberlain Accounts. The repairs appear to have occupied seven months ; and, during this period, there was a consumption of seven hundred and sixty chalders of burnt lime, the expense of the whole work being four hundred and thirty pounds, ten shillings, and fivepence.<sup>1</sup>

Besides these stone buildings, adapted principally for strength and defence, it was extremely common to construct halls and other apartments of wood, within the outer court, and even to build castles and fortifications entirely of that perishable material. In the hall, the wooden frame-work, composed of strong beams of oak, was covered with a planking of fir, and this again laid over with plaster, which was adorned with painting and gilding,<sup>2</sup> whilst the large oak pillars supporting the building rested in an em-

<sup>1</sup> The items of the accounts will be found printed in the Appendix. Chamberlain's Accounts, Compot. Const. de Tarbart, pp. 3, 4.

<sup>2</sup> Chamberlain's Accounts, pp. 6, 38. "In servicio duorum carpentiariorum arca levacionem Aule in Castro . . . In servicio portancium et cariancium lutum et sabulonum pro parietibus Aule, et servicio diversorum operariorum circa easdem, et servicio tauberiorum et coopiencium, cum servicio duorum cimentariorum subponencium postes Aule cum petris et calce 15sh. 8d." Ibid. p. 38. "Item in VI. petris crete empt. pro pictura nova Cameræ apud Cardross." See also Strutt's Manners and Customs of the People of England, vol. ii. p. 95.

bedment of strong mason-work. When the Earl of Athole was assassinated by the Bissets at the tournament at Haddington, in the early part of the reign of Alexander the Third, the hospitium in which he slept and was murdered, seems to have been a wooden building ; and after the deed, the perpetrators burnt it, and a manour and palace connected with it, to the ground.<sup>1</sup>

There is a curious passage quoted by Camden, which, in describing the siege of Bedford Castle, during the reign of Henry the Third, throws considerable light on the disposition of these ancient buildings ; and as the account is written by an eye-witness of the siege, the information is valuable and authentic. “ On the east side was one petrary and two mangonells daily playing upon the tower, and on the west were two mangonells battering the old tower ; as also one on the south, and another on the north part, which beat down two passages through the walls that were next them. Besides these, there were two machines constructed of wood so as to be higher than the castle, and erected on purpose for the slingers and watchmen ; they had also several machines where the slingers and cross-bowmen lay in wait ; and another machine called cattus, under which the diggers that were employed to undermine the castle, came in and went out. The castle was carried by four assaults. In the first was taken the barbican ; in the second they got full possession of the outer ballia ; at the

<sup>1</sup> Fordun a Goodal, vol. ii. p. 72.

third attack, the wall by the old tower was thrown down by the miners, from which, by a vigorous attack, they possessed themselves of the inner ballia through a breach. At the fourth assault, the miners set fire to the chief tower on the keep, so that the smoke burst out, and the tower itself was cloven to that degree as to show visibly some broad rents, whereupon the enemy surrendered.”<sup>1</sup>

In the various sieges which occurred in Scotland during the war of liberty, the same mode of attack was invariably adopted, by mining and battering the walls, and wheeling up to them immense covered machines, divided into different stages, from which the archers and cross-bowmen attacked the soldiers on the battlements of the castle.

With regard to the houses within burgh, which were inhabited by the wealthy merchants and artisans, and to the granges and cottages which formed the residence of the free farmers, the *liberi firmarii*, and of the unfortunate class of bondmen or villeyns, they appear to have been invariably built of wood. In the year 1243, eight of the richest burghs in Scotland were consumed by fire, and reduced to ashes;<sup>2</sup> and in the Chamberlain's Accounts, we constantly meet, amongst the items of royal expenditure, with the sums paid to the carpenter, and the moneys laid out in the purchase of wood, for the construction of

<sup>1</sup> Camden, in Bedfordshire, p. 287, quoted in Strutt's *Manners and Customs*, vol. i. pp. 94, 95.

<sup>2</sup> Fordun a Goodal, vol. ii. p. 75.

new granges, sheds, and cottages, upon the various manors possessed by the king. In 1228, Thomas de Thirlestane, one of those Lowland barons who had made his way into Moray, was attacked and slain in his stronghold, by Gillescop, a Celtic chief, who afterwards destroyed several wooden castles in the same country, and consumed by fire a great part of Inverness;<sup>1</sup> and we know that the practice of building of wood the houses within burgh continued to a very late period, both in England and Scotland. We generally connect the ideas of poverty, privation, and discomfort, with a mansion constructed of such a material; but the idea is a modern error. At this day the mansion which Bernadotte occupied as his palace when he was crowned at Drontheim, a building of noble proportions, and containing very splendid apartments, is wholly built of wood, like all the houses in Norway; and from the opulence of the Scottish burghers and merchants during the reigns of Alexander the Third and David the Second, there seems good reason to believe, that their mansions were not destitute either of the comforts, or what were then termed the elegances, of life.

I come now to say a few words upon the third, and by far the noblest class of buildings, which were to be seen in Scotland during this remote period,—the monasteries, cathedrals, and religious houses. Few who have seen them will not confess that, in the grandeur of their plan, and the extraordinary skill

<sup>1</sup> Fordan a Goodal, vol. ii. pp. 57, 58.



and genius shown in their execution, they are entitled to the highest praise; and if we read the description given, in a monkish chronicle in the British Museum, of the earliest church at Glastonbury,<sup>1</sup> composed of wooden beams and twisted rods, and turn from this to the cathedral of St Magnus in Orkney, to the noble pile at Dunfermline, to the more light and beautiful remains of Melrose Abbey, or to the still more exquisite examples of the Gothic architecture in England; the strength of original genius in the creation of a new order of architecture, and the progress of mechanical knowledge in mastering the complicated details of its execution, are very remarkable. There cannot be the least doubt, that we owe the perfection of this noble style to the monks; and although the exact era of its first appearance, either in England or in our own country, is difficult to be ascertained with precision; yet there are some valuable and interesting notices in our early historians, which make it very probable that our first masters in the art of building churches in stone were the Italians. It may have happened that, when they had once acquired a degree of skill in the management of their materials, some of those master minds which appear in the darkest times, struck out the idea of imitating in stone the wooden edifices of the time; and when working from models of twisted willow rods, the pliable material of which the walls and ornaments of our most ancient religious houses were

<sup>1</sup> Cotton MS. tib. A. V. Bede, *Hist. Eccles. Gentis Anglorum*, p. 169.

constructed,<sup>1</sup> the ideas of the arch, the pillars, the groined roof, and the tracery of the windows, began gradually to develop themselves in a manner shown, by a most able and acute writer,<sup>2</sup> to be perfectly natural and intelligible. Indeed, when the idea was once seized, and it was found that the limited knowledge of working in stone, and of the mechanical powers which the age possessed, was yet sufficient to reduce it to practice, we can easily conceive that its future progress towards perfection may have been tolerably easy and rapid. The infinity of beautiful Gothic forms which are capable of being wrought, and which almost necessarily suggest themselves to an artist working in willow, and the admirable skill in carving and imitating in stone which was acquired by the monkish artists at a very early period, produced an action and re-action on each other ; and the same writer already mentioned has shown, by a careful analysis of every portion of a Gothic church, that there is not a single ornament in its structure and composition which does not serve to corroborate this idea. As to our earliest Norman builders being instructed by the Italians, there is historical evidence. In the year 1174, the cathedral church at Canterbury was destroyed by fire ; and in a description by Edmer, a contemporary writer, it is expressly stated, that this ancient edifice was built by the assistance of Roman

<sup>1</sup> Simeon Dunelm. p. 27.

<sup>2</sup> Sir James Hall's *Essay on the Origin, History, and Principles of Gothic Architecture*.

artists, after the model of the church of St Peter's at Rome.<sup>1</sup>

That the most ancient churches in Britain were constructed of pillars and a frame-work of oak, covered with reeds, or twisted rods, we know from the most authentic evidence; and it is asserted by Gervas, in his account of the rebuilding of the church of Canterbury, after its destruction by fire, that, whereas in the ancient structure the roof had been composed of wood, and decorated with exquisite painting, in the new church it was constructed of an arch, built of stone, and light tuffe-work.<sup>2</sup> Nay, even the name of the adventurous artist who first seems to have conceived the bold idea of working the ribbed and vaulted ceiling in stone, in the same way in which it had formerly been executed in wood, has been preserved to us; it was William of Sens, a French artist. He invented, also, as we learn from the monkish historian who was an eye-witness of his labours, most ingenious machines for the loading and unloading the ships which brought the stones from foreign parts, in all probability from Normandy, as well as for raising aloft the immense weights of lime and of stone which were required in the building; he furnished the stone-cutters with working planes, or models, which guided them in their nice and difficult operations; and he began to work the ribbed arches and vaulted panels upon a frame-work of timber, to

<sup>1</sup> *Chronica Gervasii, Pars Prima, de Combustione et Reparatione Durobornensis Ecclesie.*

<sup>2</sup> *Gervasii Chronica, p. 1298.*

which was attached the scaffolding where the masons stood. As the work proceeded, this scaffolding unfortunately gave way, and the adventurous artist was incurably maimed ; but he had struck out the idea, and it was more successfully carried into execution by an English architect, who succeeded him.<sup>1</sup> It is the opinion of the acute writer who has pointed out this first and most important step in the progress of our ecclesiastical architecture, that the idea of ornamenting the great pillars with groups of smaller columns surrounding them, was introduced at the same period, and by the same artist.<sup>2</sup>

The art of executing very large and magnificent buildings in timber frame-work, was carried to high perfection in the northern countries of Europe during the tenth, eleventh, and twelfth centuries. It had made great progress in England, and was there known and practised in the building of churches, under the name of the Teutonic style. Owing, however, to the perishable nature of the materials, and to accidents by fire, these churches were frequently either destroyed, or reduced to a state of extreme decay ; so that the ruinous state of the ecclesiastical edifices in the northern parts of Europe, became a serious subject of enquiry at Rome about the commencement of the thirteenth century, and measures were taken to obviate the grievance. These measures were of a very singular nature. The Pope created

<sup>1</sup> See *Archæologia*, vol. ix. p. 115. Governor Pownall on Gothic Architecture.

<sup>2</sup> *Ibid.* p. 116.

several corporations of Roman and Italian architects and artisans, with high and exclusive privileges, especially with a power of settling the rates and prices of their labour by their own authority, and without being controlled by the municipal laws of the country where they worked. To the various northern countries where the churches had fallen into a state of decay were these artists deputed; and as the first appearances of the Gothic architecture in Europe was nearly coincident with this mission of Roman artists, and, as has already been observed, the new style of imitating the arched frame-work of wood by ribbed arches of stone was known by the name of the Roman style, there arises a presumption that we owe this magnificent style of architecture to these travelling corporations of artists, who, in consequence of the exclusive privileges which they enjoyed, assumed to themselves the name of Free Masons, and under this title became famous throughout Europe.<sup>1</sup> These same corporations, from their first origin, possessed the power of taking apprentices, and admitting into their body such masons as they approved of in the countries where their works were carried on; so that, although the style may have originated amongst Italian artists, it is perfectly possible it may have been brought to perfection by other masters, who were natives of the different countries to which these Roman workmen were sent; and this will account for the fact, that the

<sup>1</sup> Sir James Hall's *Essay on Gothic Architecture*, pp. 109, 114.

church at Canterbury, in which the ribbed arch of stone is supposed to have been introduced, for the first time, into England, was originally the work of a Norman, and afterwards completed by an English architect.

In speaking of these corporations of architects of the middle ages, Sir Christopher Wren has given, in his *Parentalia*, the following account of their constitution: "The Italians, with some Greek refugees, and with them French, Germans, and Flemings, joined into a fraternity of architects, procuring Papal bulls for their encouragement, and particular privileges; they styled themselves Free Masons, and ranged from one nation to another as they found churches to be built, for very many, in those ages, were everywhere in building, through piety or emulation. Their government was regular; and where they fixed near the building in hand, they made a camp of huts. A surveyor governed in chief; every tenth man was called a warden, and overlooked each nine; and the gentlemen of the neighbourhood, either out of charity, or commutation of penance, gave the materials and the carriages. Those," adds Sir Christopher, "who have seen the accounts, in records, of the charge of the fabrics of some of our cathedrals, near four hundred years old, cannot but have a great esteem for their economy, and admire how soon they erected such lofty structures."<sup>1</sup>

<sup>1</sup> *Parentalia*, pp. 306, 307. I must observe, that I have in vain looked for the original authorities upon which Sir Christopher Wren

This new and noble style of ecclesiastical architecture found its way into Scotland about the beginning of the twelfth century ; and, fostered by the increasing wealth of the church, and by the superstition and munificence of our early monarchs, soon reached a pitch of excellence not far inferior to that which it had attained in England and in France. Besides fourteen bishops' sees, to most of which was attached a Gothic cathedral and palace, there existed, at the time of the Reformation, a hundred and seventy-eight religious houses, consisting of abbacies, priories, convents, and monasteries, most of which were very richly endowed, situated in the midst of noble woods, surrounded by spacious gardens, parks, and orchards, and exhibiting, in the style of their architecture, specimens of the progressive improvement of the art, from the simple and massy Saxon, to the most florid Gothic. It is subject of deep regret, that some of the strong-minded and strong-handed spirits, whose wrath God overruled to introduce the Reformation into the country, adopted the erroneous idea, that these noble edifices were inconsistent with the purity of the worship which they professed ; and that they permitted, or, as some authors have asserted, encouraged, the populace to destroy them.

and Governor Pownall have founded this description of the travelling corporations of Roman architects.

## SECTION VI.

## SPORTS AND AMUSEMENTS.

IN an enquiry in which I have attempted to give something like a civil history of the country, the sports and amusements of our ancestors form a subject of interesting research ; although here, as on almost all other similar points, we have to lament the extreme scarcity of authentic materials. The chivalrous amusements of Scotland appear to have been the same as in the other feudal countries of Europe. Hunting and hawking, the tourney or play at arms, the reading of romances, the game of chess, masques and feasts, minstrelsy and juggler's tricks, with the licensed wit of the fool, filled up the intervals of leisure which were spared from public or private war.

With regard to hunting, the immense forests with which, as we have already seen, our country was covered during this period, gave every facility for the cultivation of this noble pastime ; and there is ample evidence, that, at a very early period, the chase formed one of the principal recreations of the kings and the barons of Scotland. David the First recounted to Ethelred, Abbot of Rievaulx, an anecdote regarding



Malcolm Canmore his father, which illustrates this in a minute and striking manner. Malcolm had received private information that a plot against his life was laid by one of his courtiers in whom he placed great confidence. The king took no notice of the discovery, but calmly awaited the arrival of the traitor with his vassals and followers at court; and when they came, gave orders for his huntsmen and hounds to prepare for the chase, and be waiting for him on the first dawn of the morning. "And now," says Ethelred, "when Aurora had driven away the night, King Malcolm assembled his chief officers and nobles, with whom he proceeded to take the pastime of the chase in a green plain, which was thickly surrounded by a wood. In the middle of this forest was a gentle eminence, profusely covered with wild flowers, in which the hunters, after the fatigues of the chase, were accustomed to repose and solace themselves. Upon this eminence the king stood; and, according to that law or custom of the chase, which the vulgar call the *trysta*, having allotted certain stations to the different nobles and their dogs, in such a manner that the game should meet death wherever it attempted to make its escape, he dismissed them, but requested the traitor to remain alone with him, whilst the rest departed. When this was done, the king took him aside to a more remote part of the wood, and drawing his sword, informed him that he knew well the whole of his treachery. 'We are alone,' said he, 'and on an equal footing, as becomes brave men; both are

armed, both are mounted; neither of us can receive assistance. You have sought my life: take it, if you are able."<sup>1</sup> It is hardly necessary to add, that this heroic conduct of the king was followed by the immediate contrition and pardon of his heart-struck vassal. The use of the term *trysta* in this passage, enables us to throw some additional light upon the ancient customs of the chase in Scotland. The law of *trysta*, which Ethelred here alludes to, was one by which the king's vassals, when he took the pastime of the chase, were bound to attend the royal rendezvous at the ground appointed, with a certain number of hounds; and the phrase yet used in Scotland, to "keep tryst," seems to be derived from this ancient practice in wood-craft.<sup>2</sup> In the Highlands at this day, the mode of hunting by a tenkle is very similar to the *trista* held upon this occasion by Malcolm Canmore. David the First appears to have been no less fond of hunting than his father Malcolm. Indeed, we may believe that his intimate connexion with England, previous to his coming to the throne, must have given him an additional love for an amusement which the Normans then followed with an enthusiasm which transformed it from a recreation into a science. Accordingly,

<sup>1</sup> Ethelredus de Genealogia Regum Anglorum, p. 367. Inter x Scriptores Twysden, vol. i.

<sup>2</sup> Ducange, voce *Trista*, who quotes Coke, part iv. Institut. p. 306. In a Charter of Edward III. Monast. Anglican. vol. ii. p. 827, we find, "Et sont quieti de Henedpenny, Huckstall, et Tristia."

when Robert de Brus, previous to the great battle of the Standard, in which David was so cruelly defeated, employed his eloquence to persuade the king, his old friend and brother in arms, to desist from his unjust invasion of England, he not only mentions the mutual perils and labours which they had shared, but especially alludes to the delight which they had experienced in the chase, and the pleasures of hawking and hunting;<sup>1</sup> and in that beautiful and touching eulogium which Ethelred has left us of the same monarch, who was his friend and patron, we find this testimony alike to his humanity and his love of the chase. "Often with these eyes have I seen him draw back his foot when it was already in the stirrup, and he was just mounting to follow the diversion of the chase, should the voice of any poor supplicant be heard petitioning for an audience; the horse was left, the amusement for that day given up, and the king would return into his palace."<sup>2</sup>

Whether William the Lion, or Alexander the Second, the immediate successors of David the First, were much addicted to this healthy and heart-stirring exercise we have no ground to determine; but Alexander the Third certainly kept a falconer, and the sums of money expended in the support of his hawks and dogs, appear in those valuable fragments of the Chamberlain's Accounts of this early reign, which have been

<sup>1</sup> Ethelredus de Bello Standardi, p. 345.

<sup>2</sup> Fordun a Hearn, vol. iv. p. 940.

already so often quoted. In 1263, this monarch enjoyed the sport of hawking at his palace of Forfar, where, along with his queen and nobility, he held his court for twenty-nine weeks; and the expenses of the king's horses, of his falcons, and even of a bitch with seven pups, are minutely recorded.<sup>1</sup> Besides the grain consumed by these winged and four-footed favourites, the king had to pay the sum of eight pounds, twelve shillings, and sixpence, to his falconer, William de Hamyll; and that of four pounds, seven shillings, to the grooms who kept his horses.<sup>2</sup> It appears to have been the custom of our monarchs to remove their court at different seasons to the different palaces, estates, or manors, which they possessed in private property; and on such occasions, as well as when the exigences of the state required the personal presence of the sovereign in any part of his dominions, the hounds of the royal household formed part of the equipage which accompanied him.<sup>3</sup> About the same period, the preservation of the game; the enclo-

<sup>1</sup> *Comptum E. de Montealto Vicecomitis de Forfar*, pp. 12, 13. "Redditus farine ordeï de illo anno de Forfar et glammes, ix celd. v boll. farine ordeï. Expens. in servicio regis iiii celd. ii bol. et i firthelota. Item in servicio regine novem boll et dimidium. Item in expensis septem catulorum et eorum matris prehendinancium etc. iiii celd. x lib. . . Item in expensis Willielmi de Hamyll prebendiantis apud Forfar cum falconibus dni regis per xxix septimanas et duos dies anno 1263. viii C. et dimidium celdre, et tres partes unius boll. Item in expensis Equorum dni regis prehendinancium apud Forfar usque ad diem hujus computi xiiii C. et vi bol. prebende." *Ibid.* p. 38, we find the four falconers of Dunipace.

<sup>2</sup> *Ibid.* pp. 13, 14.

<sup>3</sup> *Ibid.* p. 20.

sing the parks or chases round the royal castles by strong wooden palings; the feeding the does during the winter; the employment of park-keepers, whose business was to guard the forest from waste or intrusion; and of fox-hunters, who were hired to destroy the beasts of prey and noxious vermin, are all occupations which appear in the Chamberlain's Accounts, and evince a sedulous attention to the sports of the field.<sup>1</sup> In the Romance of Sir Tristrem, which may be quoted as good authority for the manners of Scotland in the days of Alexander the Third, we meet with some fresh and characteristic pictures of the sports and amusements of the times; and amongst these the chase holds, as might be expected, a most conspicuous place. The hero is the very king of hunters, and his profound acquaintance with the mystery of wood-craft is dwelt upon with a fond minuteness, which proves how high was the place which the science occupied in what were then considered the accomplishments of a brave and gentle knight. Tristrem, in travelling through a forest, encounters a company of huntsmen, who are returning from the chase with their hounds in leash, and the game which they had slain. He is scandalized at the awkward and unsportsmanlike manner in which they had broke up the venison; and on upbraiding them for their want of science, an unflayed hart is thrown down before him, and he is courteously requested to give

<sup>1</sup> *Compotum Patricii de Graham Vicecomitis de Strivelin. Chamberlain's Accounts*, p. 61. *Ibid. Compotum de ballia Com. de Carrik*, p. 162.

them a lesson. This he performs in a manner so masterly and admirable, that the huntsmen are in ecstasies ; and this new and superior mode of carving the buck is communicated to the king of the country, who esteems himself fortunate in having lived at an era when knowledge was destined to make so important a step towards perfection.<sup>1</sup> From the whole adventure, it is evident, that to break up a stag, or, in the language of Sir Tristrem, to “ dight the erber,” according to the most scientific method ; to give his rights to the forester, the nombles to the hunters and spectators, the quarre to the hounds, and the expected corbin bone to the raven ; to allot the due portion to himself as carver ; to tie up the paunch with the grease ; to preserve the gurgiloun ; and, lastly, to recite the appropriate rhyme, and blow the tokening or death-note, were considered matters of deep study and of no very easy attainment, which in those early ages formed a material part of a chivalrous and noble education, and which, it must be observed, constituted only a small portion of the complicated science of wood-craft. It is evident that Robert Bruce, who seems to have been accounted one of the most accomplished knights of his time, was an adept in the mysteries of the chase. He winds his horn in so masterly a way, that Sir James Douglas instantly pronounces that blast to be none but the king’s ; and the strength with which he draws the bow, and the un-

<sup>1</sup> Romance of Sir Tristrem, pp. 31, 32, 33. Fytte i. stanza 41 to 49 inclusive. Notes, p. 277.

erring aim with which the shaft is directed, are particularly mentioned by Barbour. Indeed, for many months, when he led the life of a proscribed and wandering fugitive, he and his followers were driven to support themselves by the chase;<sup>1</sup> and there is evidence in the Chamberlain's Accounts, that his dogs, his falcons, his horses, and his huntsmen, were afterwards subjects of considerable care and expense.<sup>2</sup>

At a very remote period, indeed, we find that the Scottish stag-hounds and wolf-dogs were exceedingly prized in foreign countries;<sup>3</sup> and, under the reign of David the Second, the character of the Scottish dogs and falcons stood so high, that they became an article of export;<sup>4</sup> while in the charters of the island lords, the eyries of falcons are particularly mentioned.<sup>5</sup> The hawks of Norway, however, for strength and flight, were the most famous in the world; and there is a curious early notice in Sir Tristrem, which shows that the Norwegian merchant-ships imported them into Scotland.

<sup>1</sup> Barbour, pp. 40, 55, 80, 107.

<sup>2</sup> "Gilisio Venatori ex dona dai regis p. Ram. 13sh. 4d." *Comptum Constab. de Cardrose*, p. 39. *Chamberlain's Accounts*. Ibid. p. 40. "Item pro emendatione et tectura domus cuidam pro falconibus ibidem, cum constructione cuidam sepi circa ipsam domum 2 sh." Ibid. p. 44. "Item Gilisio venatori capiente boll. per iii. septimanas," &c.

<sup>3</sup> Sir James Ware's *Antiquities of Ireland*, vol. ii. p. 166. Edition by Harris.

<sup>4</sup> *Rotuli Scotiae*, p. 891. 20th May 1365. "Salvus Cond. pro Scutifero Godefridi de Roos Canes, et Falcones e Scotia ducturo."

<sup>5</sup> Robertson's *Parliamentary Records*, p. 89, "*Una cum aviis falconum.*"

"Ther com a schip of Norway  
To Sir Rohante's hold,  
With hawkes white and grey,  
And panes fair y fold."<sup>1</sup>

In the Chamberlain's Accounts, the falconer of John of the Isles appears bringing falcons to David the Second;<sup>2</sup> and, from the enthusiasm with which the sport of hawking is described in the early romances, and the gravity with which its mysteries are explained, we may conclude, that in Scotland, as in the other countries of Europe, it was esteemed one of the most fascinating of feudal pastimes. It is easy, indeed, if we carry our mind back to the thirteenth or fourteenth century, to imagine how imposing and delightful must have been those field sports of our ancestors. Let us for a moment dwell on the picture. We see the sun just rising upon a noble chase, or park, with breezy slopes and gentle undulations, variegated with majestic oaks, and getting wilder and more rugged as you approach the mountains that surround it. His level rays are glancing on the windows of a baron's castle, and illuminating the massy grey walls, till they look as if they were built of gold. By and by symptoms of busy preparation are seen: horses are led into the court; knights, squires, and grooms, are booting and mounting, and talking of the coming sport; the huntsmen

<sup>1</sup> Sir Tristrem, p. 25, notes p. 274. Wares' *Antiquities of Ireland*, in his works by Harris, vol. ii. p. 172.

<sup>2</sup> Chamberlain's Accounts, p. 282. "*Cuidam falconario Johannis de Insulis portant. falcones dni regis 13 sh. 4 d.*"



and the falconer stand ready at the gate ; and the ladies' palfreys, led by their pages, are waiting for their fair mistresses. At last, these gentle dames descend from their bower, and each, assisted by her favourite knight, "lightly springs to selle;" the aged baron himself is gravely mounted, and leads the way ; and the court of the castle rings with hoof and horn as the brilliant and joyous cavalcade cross the drawbridge, and disperse themselves through the good green-wood. There are few who could resist a wish to join in the pastime.

Within doors, and when not occupied by war or the chase, we are apt to believe that the time must have passed somewhat heavily with our ancestors. Yet here, too, they had their resources. In the first place, their solemn feasts and banquetings were on a great scale, occupied much of their attention, and were not speedily concluded, if we may form an opinion from the variety and quantity of the viands.

All great occasions of festivity or solemnity, such as baptisms and marriages, the installation of bishops, or other dignified churchmen, the recurrence of Christmas and the new year, the birthday of the king or the prince, it was the custom of those ancient times to commemorate by feasts and banqueting ; and the Chamberlain's Accounts of our early monarchs afford ample evidence of the scale upon which these entertainments were conducted. Immense quantities of beef and mutton, of pork and poultry ; large and constant supplies of salmon, herring, hard-fish and white fish, besides sturgeons, lampreys, eels in great

abundance ; large importations of white and red wine, with a great variety of spices and sweetmeats, besides figs, raisins, oil of olives, gingerbread, wax, vinegar, verjuice, and porpoises, form the anomalous and multifarious articles which swell the account of William de Buthirgask, clerk of the kitchen to the good King Robert.<sup>1</sup> These were the articles of usual and daily consumption ; but on occasions of solemn banquetings and unusual festivity, the entertainments were in the last degree extravagant and expensive. At the feast given at Canterbury, on the installation of Ralph, Abbot of St Augustine, six thousand guests sat down to a dinner of three thousand dishes ;<sup>2</sup> and this was far exceeded by the splendour of the marriage banquet, when the Earl of Cornwall espoused Cincia, the daughter of the Count of Provence, upon which occasion thirty thousand dishes were served up to an immense assemblage of guests, who had arrived from the remote parts of England, as well as from Scotland.<sup>3</sup> In the feast which was given by the Archbishop of York, upon the marriage of Alexander the Third, sixty stalled oxen were slain to furnish out the first course, and the rest of the entertainment was on an equal scale of magnificence. It was the custom, at these feasts, to bring in the boar's head with great state ; sometimes the whole boar himself, stuffed, and standing on his legs, surrounded by a fortification of pastry, from the battle-

<sup>1</sup> Chamberlain's Accounts, p. 74 to 85.

<sup>2</sup> Chronica. W. Thorn, p. 2010.

<sup>3</sup> Math. Paris, p. 536.

ments of which little flags and banners waved over the grisly savage, was ushered in, carried by the master of the feast and his servants, with the trumpets sounding before him. In like manner, the peacock, the swan, and the heron, were greatly esteemed in those times, and brought in, with their plumage unbroken, upon immense plateaus richly gilt, and with a net-work of gold thrown over them ; whilst between the courses the guests were entertained by a species of opera, acted by little puppets of paste, in which Arthur, and his Knights of the Round Table, Godfrey of Bulloign, or some such heroes, performed their parts, amidst magic islands, captive ladies, turbaned pagans, fiery dragons, and all the superstitious machinery of the middle ages. When this was concluded, the company again resumed the feast, which was continued till a late hour, and often prolonged for many days.

These were the solemn banquets of the middle ages ; but even their ordinary meals, when the baron, in his feudal hall, feasted his vassals twice a-day, were conducted with rude plenty and protracted hospitality. They dined very early, and, from the quantity of wines and spices imported into the country, there is reason to believe they sat late.

In the reign of Alexander the Third, the famous Thomas the Rhymer, and the Earl of Dunbar, in whose castle he lived, sat down to dinner before twelve o'clock ;<sup>1</sup> and, between the diversion afforded by the licensed wit of the fools, who were kept

<sup>1</sup> Fordun a Goodal, vol. ii. p. 131.

by the king and the higher nobles ; the hours spent in the game of chess, then exceedingly popular ; the listening to the lays of the harpers and minstrels, and the reading romances of interminable length, the day glided away.<sup>1</sup> We are to remember, also, that much time was spent in the devotions of the Catholic church ; that the labours of the needle and embroidery filled up many hours of a lady's life ; whilst the older knights and barons, who received into their castles the sons of the nobility, for the purpose of superintending their chivalrous education, devoted much of their leisure to this occupation. In the speech which Walter Espec addresses to the English barons before the battle of the Standard, chess and dice are alluded to as the games in which the youthful knights passed their time ; while the reading works of history, or the listening to the gests of their warlike ancestors, are considered as the more appropriate employments of an aged baron.<sup>2</sup>

At an early period in our history, the system of chivalry made its way into Scotland, and gave that romantic and heroic tone to the character of the people which its usages, in a greater or less degree, communicated to every country in Europe. The early intercourse of our country with Scandinavia, the possession of the Western Isles and of part of the mainland by the northern nations, and the circumstance

<sup>1</sup> Rotuli Compotorum, Temp. Alex. III. p. 4. Compotum Constab. de Cardross, p. 41. Sir Tristrem, fyfte i. sect. 29, 30. Compotus Camerarii, p. 96. Barbour, pp. 49, 54. Sir Tristrem, notes on fyfte ii. p. 306.

<sup>2</sup> Ethelredus de Bello Standardi, p. 339.

that the Gothic tribes, at a very remote period, had extended themselves over the whole of the Lowlands, were singularly fitted to create a predisposition in favour of this system of manners; for the first rude germ of chivalry is undoubtedly to be found in the habits and the character of this heroic race of men. Their unshaken and generous courage; the high and dignified station occupied by their women; their love of enterprise and adventure; their consideration for their scalds and minstrels, and their passion for marvellous and romantic fictions, are just so many features which, with a slight change, we find in chivalry under its more advanced and artificial shape. We are not, therefore, to wonder that, even as early as the end of the eleventh century, when Duncan, assisted by the Norman knights and soldiers of William Rufus, expelled Donald Bane from the throne, the light of chivalry is seen beginning to dawn in Scotland;<sup>1</sup> but the subsequent expulsion of the Normans and English, by the Celtic population, was unfavourable for a time to its further progress.<sup>2</sup>

Under Alexander the First, and during the reign of that wise and excellent prince, David the First, some faint and uncertain traces of chivalrous manners and education are perceptible in the education of Henry of Anjou, at the court of the latter monarch, and in the ceremony of the young prince receiving, from the hands of David, the order of

<sup>1</sup> Chron. Sax. pp. 199, 200. Duncan was knighted by William Rufus.

<sup>2</sup> Simeon Dunelm. p. 219.

knighthood, when he had completed his sixteenth year.<sup>1</sup> Under Malcolm the Fourth, and his successor in the throne, William the Lion, the thirst for knightly renown, and the existence of chivalrous manners, are distinctly seen. It was not till Malcolm had gained his spurs in France, by fighting at the siege of Thoulouse, under the banner of the King of England, that this monarch, in the city of Tours, girded the youthful king with the belt of knighthood. During the same reign, we have an example of a baron accused of treason appealing to his sword, and perishing in single combat; and the spirited speech of William the Lion, when he, and a body of his barons, were surprised and taken prisoners before Alnwick, "Now it will be seen who are good knights," is perfectly decisive as to the progress of chivalry in Scotland during the twelfth century.<sup>2</sup> Indeed, the warm attachment of Richard Cœur de Lion,

<sup>1</sup> Chron. Thom. Wikes, p. 29. From this author, as well as from Hoveden, p. 490, there is little doubt, I think, that Henry was educated at the court of David. After his military education was completed, he appears to have gone over to Normandy, and upon his return from that country to England, he repaired to David at Carlisle, and was knighted; I differ here from Hailes, who pronounces it to be certain, that Henry had no more than an occasional interview with David, and founds his opinion upon Gervas, p. 1366. W. Neubrig. p. 75; and J. Hagulstad, p. 177. If the reader will examine these passages, he will at once perceive that they by no means support such an assertion.

<sup>2</sup> Fordun a Goodal, vol. i. p. 450. Chronicon Sanctæ Crucis, p. 33. Editio Bannatynian. Gervas, p. 1381. Gulielm. Neubrig. p. 237. "*Illico ferociter arma concutiens, suoque verbo simul et exemplo accendens, modo inquit, Apparebit quis miles esse noverit.*"

the most chivalrous of kings, to William the Lion, and the constant friendly intercourse which subsisted during this reign between the two countries,<sup>1</sup> could not fail to have its influence in disseminating the principles of a system which, in England, had taken such a hold both upon the monarch and the nation. Accordingly, when William, in 1186, married Ermengarde de Beaumont, part of the dower stipulated in the marriage contract consisted in the feudal services of forty knights;<sup>2</sup> and the virtues of this monarch, as they are enumerated by Winton, his tenderness and fidelity in friendship, his generous emulation and companionship with Richard in deeds of renown, his courtesy and generosity, are all of them chivalrous. A passion for religious war, and a thirst for the glory which was gained against the Infidels, was the only ingredient wanting to complete the chivalrous character of the country; and this last principle is to be seen in the conduct of David, Earl of Huntingdon, the brother of William the Lion, who assumed the cross immediately after his marriage, and departed for the Holy War, in company with Richard the First.<sup>3</sup>

Not long after the departure of the Earl of Huntingdon for the Holy Land, William Malvoisine, the

<sup>1</sup> Fordun a Goodal, vol. i. p. 507. Winton, vol. i. p. 339.

<sup>2</sup> R. Hoveden, p. 632.

<sup>3</sup> It ought not to be concealed, however, that this crusade of the king's brother rests only on the apocryphal authority of Boece, and is not to be found in the more authentic pages of Fordun or Winton.

Bishop of St Andrews, in a great council of the clergy, held at Perth, preached a crusade, and deputed many emissaries throughout Scotland to enforce the same holy warfare in their sermons and addresses to the people; but, although multitudes of the middle and lower classes were infected with the mania, and assumed the cross, they were joined by few of the rich and the powerful in the land.<sup>1</sup>

The tournaments we find an established amusement in Scotland under Alexander the Second. This monarch himself received the belt of knighthood from John, King of England; and, under the reign of his successor, we see, in the remarkable debate which arose on the subject whether the youthful monarch could be crowned before he was knighted, how strong a hold the system and institutions of chivalry had taken of the national mind. When Bisset was accused of the murder of the Earl of Athole, he instantly appealed to his sword. The marriage of Alexander the Third; the feasts and music; the sumptuous dresses and magnificent largesses; the future progresses of the youthful king and his consort to visit their father's court, were full of all the pomp and circumstance of chivalry. The character of Alan Durward, celebrated as being the flower of Scottish knighthood; the solemnity with which we find this order conferred by the sovereign upon the sons of the nobility at the palace of Scone; the increasing passion for the crusades; and the departure of many of the Scottish

<sup>1</sup> Fordun a Goodal, vol. i. p. 534.



nobles for Palestine, confirm this opinion ;<sup>1</sup> but it is chiefly under the reign of Bruce and his son, David the Second, that we discover the complete introduction of chivalry into Scotland.

The work, indeed, to which this great king devoted his life, was of too serious a nature to be often interrupted or encroached upon by the splendid and fantastic trifling of chivalry. Yet, in personal prowess, and the use of his weapons, Bruce was accounted one of the best knights in Europe ; and in Ireland we find the king halting the army, when retreating in circumstances of extreme difficulty, on hearing the cries of a poor lavendere, or washerwoman, who had been seized with labour, commanding a tent to be pitched for her, and taking measures for her pursuing her journey when she was able to travel ; an action full of the tenderness and courtesy so especially inculcated by chivalry, yet springing here, perhaps, not so much from the artificial feelings of a system, as from the genuine dictates of a brave and gentle heart. Bruce, and Douglas, and Randolph, it may be said, were too good soldiers and patriots to be diverted from their objects by the pursuit of personal adventure ; but, from the nature of the long war with the English, feats of individual prowess, and gallant “ points of arms” performed by a handful of brave vassals and partisans, were often the only efforts which kept up the desponding spirits of the nation ; and the spirit of chivalrous adventure, and of useful

<sup>1</sup> Fordun a Goodal, vol. ii. pp. 72, 73, 80, 112, 113.

patriotic exertion thus became simultaneous and compatible in their operation. The battle of Bannockburn, it has been said by a historian of chivalry, was not a chivalrous battle.<sup>1</sup> In one respect it assuredly was not similar to Poitiers and Cressy, which the same writer has dwelt on with justifiable enthusiasm; for the laurels of Cressy and Poitiers were barren as to every thing but glory, while at Bannockburn, the freedom of a whole people was sealed and secured for ever. But it would be difficult, either at Cressy or Poitiers, to select two finer examples of chivalrous daring than the defeat of Clifford by Randolph; and the single combat between Bruce and Bohun in the presence of the two armies; and the courtesy of Bruce to his noble captives, is more natural than the overstrained generosity of the Black Prince to his royal prisoner King John. The well-known incident in the triumphant entry of the Black Prince into London, when he himself was mounted on a little palfrey, whilst the person of the King of France was displayed upon a noble horse in gorgeous trappings, had something in it too ostentatious and condescending to merit the high encomium which has generally been bestowed on it. It is not to be forgotten also, in estimating the comparative influence of chivalrous principles upon the character of Bruce, when compared with that of the First and Third Edwards and the Black Prince, that during the whole reign of the Scottish king there does not occur, even in those me-

<sup>1</sup> Mill's History of Chivalry, vol. i. p. 402.

ments when most exasperated by personal injuries, and when he possessed ample power of giving loose to a spirit of revenge, a single instance of cruel or vindictive retaliation, while the massacre of Berwick, and the imprisonment of the Countess of Buchan, by Edward the First; the intended sacrifice of the six citizens of Calais, the penurious economy with which the captive king and the Scottish prisoners were treated after the battle of Durham, by Edward the Third; and the massacre of Limoges by the Black Prince, remind us that these heroic men, although generous in the use of victory, could sometimes be irritated by defeat into cruelty and revenge. But while Bruce was true to his chivalrous faith in kindness, courtesy, and humanity, he permitted not the love of personal adventure to interfere with that strict military discipline which he rigidly maintained; and on one memorable occasion, in his Irish campaign, the king with his truncheon nearly felled to the ground a young knight named Sir Colin Campbell, for daring to break the array, that he might revenge an insult offered him by one of the skirmishers of the enemy.<sup>1</sup> We have already seen what a rich glow of chivalrous devotion was shed over the last scene of his life; and in the whole history of this singular system, which

<sup>1</sup> Barbour, pp. 315, 316. See, for a duel in 1323, Chamberlain's Accounts, p. 136. "*Et vic de Edinburgh pro factura Parci juxta Edinburgh ubi milites pugnabant, et in quo miles Anglie fuit devictus, vi lib. xiii sh. iiii d.*" And again, in 1364, under David the Second, Chamberlain's Accounts, p. 427, "*Et Simoni Reed pro factura palicii pro duello.*"

for so many centuries possessed such an influence over European manners, it will not be easy to point out a more striking event than the death of the good Sir James in his first battle against the Moors in Spain.

In this enquiry we have not yet made any remarks upon the dress, the arms, and the warlike accoutrements of those remote times ; and yet the subject, although of inferior interest to many other branches of the history of manners, is of considerable importance in estimating the civilisation of the period. Ascending, then, to that period under David the First, when, as we have already seen, his people were of a mixed race, including the tribes of Celtic original, as well as the Saxons and Normans, we find that the first-mentioned race were in dress and arms far inferior to his subjects of Gothic origin. They were armed with long spears pointed with steel, but so blunt as to be incapable of doing much execution, and which not unfrequently broke at the first thrust ;<sup>1</sup> they bore also darts or javelins, and made use of a hooked weapon of steel, with which they laid hold of their enemies ; their shields were formed of strong cow hide ; a rough mantle or outer coat of leather, tanned with the hair on, was thrown over their shoulders, which, on occasions of show or ceremony, was exchanged for a scarlet robe ; and their under vestment was so short, that from the knee downwards the leg was wholly bare.<sup>2</sup> They allowed their hair and

<sup>1</sup> Ethelredus de Bello Standardi, p. 340.

<sup>2</sup> " *Hispidula Chlamys, Crus intectum.*" Fordun a Goodal, vol. ii. p. 82.

beards to grow to such a length, that their countenances were almost covered. Even their nobles and leaders appear to have been strangers to the steel armour of the Saxons and Normans ; for we know that the Earl of Strathern, on the eve of the battle of the Standard, reproached David the First for trusting too much to the steel coats of his Norman subjects ; and boasted that, unarmed as he was, he would precede Alan de Percy in the onset.<sup>1</sup> This dress and these weapons were common to the whole race of the Celts, and are evidently the same with those used by the Irish, as we find them described by one of the ablest antiquaries who has written upon the subject.<sup>2</sup> The Galwegians appear to have been generally mounted ; but they were accustomed to act, according to the emergency, either on foot or horseback, and, by the fury of their charge, which they accompanied with loud yells of " Albyn ! Albyn !" they not unfrequently succeeded in throwing into disorder, and eventually cutting to pieces, the more disciplined troops which were brought against them.<sup>3</sup> They understood also the art of defending their mountain passes by barriers of trees, which they felled and placed transversely so as to impose an almost impenetrable barrier to an invading army. But although brave to excess, and, according to their own rude degree of knowledge,

<sup>1</sup> Ethelredus de Bello Standardi, p. 342. Ralph de Diceto, p. 573.

<sup>2</sup> Sir James Ware, *Irish Antiquities*, vol. ii.

<sup>3</sup> Benedict. Abbas, p. 447. Rog. de Hoved. p. 813, quoted in Ritson's *Ann. of Caledonians*, vol. ii. pp. 293. Richar. Prior. Hagulstad, p. 322. Ethelred de Bello Standardi, p. 345.

skilful in war, their manners were cruel and ferocious, and the picture left us, by a faithful contemporary, of their excesses, is too revolting to be dwelt upon.<sup>1</sup>

Different in their dress, superior in their arms and warlike accoutrements, and far more civilized in their manners, were the races of Gothic extraction, whom we find composing a great part of the army of David the First in the battle above alluded to, and which we can discern, from the time of Malcolm Canmore, gradually gaining upon and pressing back the Celtic population of Scotland. In the beginning of the eleventh century, Eadulph-ludel, a Saxon earl, surrendered to Malcolm the Second all his right to the territory or province of Northumberland. Previous to this, the extensive district then denominated Cumberland, including the modern shires of Cumberland, Westmoreland, and part of Lancaster, had been acquired by the Scottish princes as feudatories of England ; and the marriage of David Earl of Cumberland, afterwards David the First, to the daughter of Earl Waltheof, procured as an appanage to the Scottish crown a part of the ancient kingdom of Northumberland, then known by the name of the Earldom of Northumberland. All that fertile and extended tract of country which was formed by the union of these successive acquisitions, and which comprehended the greater portion of the south of Scotland, was peopled by the Saxons and the Normans, whose dress and arms, at the period of which

<sup>1</sup> Ethelredus de Bello Standardi, p. 341.

we now speak, assimilated much to each other, the superiority in the richness of the stuffs, and in the temper of the armour and the weapons of offence, being on the side of the Normans.

The sword of the Scoto-Saxons was, in all probability, exactly similar to that of the Anglo-Saxons, a long straight weapon, double-edged, and fitted both to cut and thrust. A late able English antiquary, in his deductions and delineations from ancient illuminated manuscripts, has thrown much light upon the subject; and, following his authentic descriptions, we find that the shield was of a middle size, always convex, formed of wood covered with leather, and commonly armed in the centre with a strong sharp-pointed cone of iron.<sup>1</sup> At a very early period, the Saxons do not appear to have used armour for the body, but to have gone into battle with a short upper coat of leather, which was girded round the loins, and beneath which are seen the folds of the under tunic worn close to the skin, and reaching to within a little of the knee.<sup>2</sup> In persons of rank, the tunic and the coat were ornamented with rich borders round the edges, and the legs clothed in hose composed of twisted rolls of woollen, reaching to the middle calf, while the feet were shod with buskins. Besides the shield and the sword, they carried a long spear with a sharp steel point, sometimes armed with a barb, and the battle-axe; but we do not

<sup>1</sup> Meyrick's *Ancient Armour*, Introduction, vol. i. p. 62.

<sup>2</sup> *Ibid.* p. 62.

find either the cross-bow or the long-bow originally employed by them. These last weapons were brought in by the Normans, who used them with fatal and murderous effect, and from whom the Saxon soldiers borrowed them in the course of years. The head of the common soldier was protected by a species of conical cap not unlike the Kilmarnock nightcap, which appears to have been made of the skin of some animal, with the hair turned outwards. This headpiece, however, in persons of rank, was formed of steel or brass, and frequently ornamented with a broad gilded border, or even set with precious stones ; whilst in the dress of kings and princes it gave place to a crown itself, or to a small circlet of gold. The sword-hilts and scabbard, the shields and headgear, of the kings and nobles, were often richly ornamented, studded with precious stones, or inlaid with gold ; they animated their troops with the sound of a long horn or trumpet, whilst there were carried before them into battle rich banners, upon which the figure of a white horse, of a raven, or a fighting warrior, were curiously wrought in gold, and not unfrequently decorated with jewels. In the battle of the Standard, the royal Scottish banner was embroidered with the figure of a dragon, around which rallying point, when the day was going against them, the flower of the Scottish army crowded in defence of their sovereign. The era, however, of the arrival of the Normans in England, and of the subsequent gradual and useful progress of this remarkable people from England into Scotland, till they fixed their Norman names and Norman cus-



toms even in the remote provinces of the north, is the era also of a very perceptible change in the dress, and arms, and warlike inventions of the Scoto-Saxons. The shirt of mail was probably known to the Saxons in its first rude state. It was composed of small pieces of iron sewed in rows upon a leathern jacket, overlapping each other like the scales of a fish, and seems to have been early introduced. An experiment was next made to form something like the same piece of body armour, by twisting or interweaving strong wires with each other, so as to create a species of iron wicker, which must, however, have proved particularly stiff and disagreeable to the free motion of the body. Probably for this reason it was not attempted to be carried lower down than the bottom of the stomach, and a short way below the shoulder, so as to leave the arms and limbs full room for action. In time, however, these rude beginnings were superseded by more correct and skilful imitations of the armour of the Normans; and as hitherto the chief force of the Scottish army had consisted in infantry, it is curious to trace the gradual departure from this system as early as the reign of David the First, and the few feeble efforts which were then made to imitate the Normans, whose chief force consisted in cavalry. As early, for instance, as in the battle of the Standard, the Scottish horsemen make their appearance, although bearing no proportion to the infantry; and it is singular, that on both sides, the leaders made the cavalry dismount and fight on foot. Yet, under the reign of Alexander the Second,

when that monarch invaded England, we have already seen the encomium pronounced by Matthew Paris upon his cavalry, which, although mounted on neither Spanish nor Italian horses, made a splendid and martial appearance; and in the battle of Largs, in the subsequent reign, the destruction of the Norwegians who had landed, was completed by a Scottish army in which there was a body of fifteen hundred horsemen, the knights and leaders of which were mounted on Spanish horses, armed, both horse and man, from head to heel in complete mail, and the rest on the small active horses, whose chests were protected by a steel breastplate. Besides this select body of cavalry, we find that the foot soldiers were well accoutred, and in addition to the long spear of the Saxons, they now carried the Norman bow.<sup>1</sup>

The principal arms of the Normans are well described in an ordinance, or assize of arms, of Henry the Second, preserved by Hoveden, in which it is declared, that every man possessed of goods and chattels to the value of one hundred pounds, is to provide, for the king's service, a horse and a soldier completely armed in mail; whilst every man possessed of any sum, from forty to twenty-five pounds, was to have for his own use, an alberghellum, or haubergeon, an iron helmet, a lance, and a sword. This refers to the Norman dominions of the king. In England, the same monarch commanded every man who held a knight's fee, to furnish a soldier completely

<sup>1</sup> Norse Account of the Expedition, pp. 93, 94, 95.

armed in a coat of mail and a helmet, with a lance and a shield ; every freeman who possessed goods and chattels to the value of sixteen merks, was in like manner ordained to have a coat of mail, a helmet, a shield, and a lance ; every freeman possessed of the value of ten merks, to have a haubergeon, an iron cap, and a lance ; and lastly, every burgess and freeman whatsoever, to furnish himself with a wambais, an iron cap, and a lance, which, on pain of severe penalties, he was not to sell or pawn.<sup>1</sup> In the time, therefore, of Henry the Second, in the year 1181, which is the date of this assize, the principal armour for the body was of three kinds, the lorica, or entire coat of mail, the albergellum or haubergeon, and the wambais ; the first worn by the richest knights, the next by the higher order of yeomanry or gentry, and the last by the burgesses and freemen in general. What was the description of these particular kinds of body armour it is not difficult to ascertain, and it is certain that they were used promiscuously both in Scotland and in England. The lorica, or coat of mail, is to be seen distinctly on the seals of the First and Second Henry. It appears to have been formed by rings of steel or iron sewed, or fixed closely together, upon a leathern coat, reaching from the neck, which it covers, to the knee, not unlike our modern surtout. In other instances, however, the neck and head were protected by a separate piece, called the chaperon, or hood of mail, which could either be drawn over the

<sup>1</sup> Hoveden, p. 614. *Rerum Angl. Script.* a Saville.

head in time of action, or after battle thrown loosely on the shoulder, so as to give the weary warrior air and refreshment. Over the chaperon the helmet was placed;<sup>1</sup> and of this graceful costume, some beautiful examples are to be seen in the recumbent monuments of the knights which we frequently meet with in the English churches, and more rarely in Scotland. The sleeves of the coat, as seen in the seals of these two monarchs, cover the whole arm down to the wrist, leaving the hands bare and unprotected; but an elongation of the coat of mail was soon after introduced, so as to form a mailed glove, which completely protected the hands; and yet from its pliancy, being formed of the same rings of steel quilted on a simple leather glove, left them free room for action. Over this mail-coat, which, under Richard the First,<sup>2</sup> was so formed as to cover the whole body from head to heel, it became the fashion, during the reign of the Third Henry, for the knights to wear a surcoat, formed of cloth or linen, which at first appears to have been a mark of distinction, and which, latterly, during the fourteenth century, was ornamented with the arms of the knight, richly embroidered. Surcoats in England, although found at an earlier period abroad, were not worn before the reign of Henry the

<sup>1</sup> See Strutt's *Dress and Habits of the People of England*, vol. i. plates 43 and 45. The seals of Henry the First and Henry the Second, will be found beautifully engraved in the new edition of the *Fœdera*, vol. i. pp. 6, 19.

<sup>2</sup> See the seal of this monarch, *Fœdera*, new edition, vol. i. p. 48.

Second, did not become general till the time of John, and bore no armorial bearings till the period of Henry the Third.<sup>1</sup>

The albergellum, or haubergeon, in its early form, afforded less protection to the whole person than the coat of mail, and was evidently a less costly article of body-armour. It appears to be exactly the same piece of armour with the halsberga of Ducange, and was originally intended, as we learn from its component words, hals-berg, for the protection of the neck alone; but it probably soon came to cover the breast and the shoulder. It was formed of the same ringed mail, quilted on leather,<sup>2</sup> and is particularly mentioned in the assize of arms passed by Robert Bruce. The wambais was nothing more than a soldier's coat-of-fence, made of leather, or cloth, quilted with cotton, which, although it afforded a security inferior, in a great degree, both to the mail-coat and the haubergeon, gave considerable protection against a spear-thrust or sword-cut.<sup>3</sup> It is well known, that while the great force of the Saxons consisted in infantry, the Normans fought on horseback; and that, from a little after the time of William the Conqueror, the power of the Norman cavalry became so formida-

<sup>1</sup> Meyrick's Ancient Armour, vol. i. p. 21.

<sup>2</sup> So, in an old German anonymous poem quoted in Ducange, voce Halsberga.

"Geh and bring mir doch here,  
Mein halsperg und mein schwert."

And in the Will of Duke Everard in Miræus, c. 21, "Et helmum cum halsberga."

<sup>3</sup> Ibid. p. 67.

ble, as to be celebrated and dreaded throughout Europe. The horses were armed in steel as well as the men, and both being thus impenetrably protected, the long spears of their enemies might, to use an expression of Hoveden, "have as well struck against a wall of iron."<sup>1</sup> Under the Conqueror himself, indeed, and judging from the costume in which he is seen upon his seal, this horse-mail does not appear to have been used at all; and the same observation is applicable to the seal of Henry the First, and to those of Richard Cœur de Lion, John, Henry the Third, and Edward the First. Upon the seal of Henry the Second, however, we find his horse armed with the *chamfreyn*, or steel frontlet; and the disappearance of it upon the seals of the monarchs who succeeded him, was evidently a caprice of taste, either in the artist or the sovereign; for we know for certain, that the steel-clad steeds, or *Equi Cooperti*, formed the principal force in the battle of the Standard, fought in the reign of Stephen, against David the First; and we have already seen, that the Scottish cavalry at the battle of Largs was composed partly of Spanish steeds in complete armour, and partly of horses with breastplates; a very convincing proof how completely the Norman habits and arms had been adopted in Scotland under Alexander the Third.<sup>2</sup>

The offensive weapons of the Norman knights and higher soldiers, consisted of the sword, which was in

<sup>1</sup> Hoveden, p. 277. Strutt's *Manners of the People of England*, vol. i. p. 99.

<sup>2</sup> Norse Account of Haco's Expedition, p. 95.

no respect different from the Saxon sword, and the lance with a streamer or pennon ; whilst the arms of the lower classes of the infantry, not including the archers, were the club and mace, denominated, in the Norman French of Wace, "*Pilx et Macheues*."<sup>1</sup> The arms of a higher baron, or count, in the time of the Conqueror, are most accurately pointed out in an ordinance of this prince, which directs "that every count shall be bound to bring to the assistance of the king, eight horses saddled and bridled, four hauberks, four helmets, four lances, and four swords."<sup>2</sup> These were termed by the Normans *free arms*, *libera arma*, as being those peculiarly appropriated to men of high and noble rank ; but, in the course of time, the short dagger, the *gis arma*, or bill, the cross-bow, and battle-axe, were introduced amongst the Norman weapons of offence, and borrowed by the Scoto-Normans from their countrymen.<sup>3</sup>

The minute attention which has been paid to ren-

<sup>1</sup> Wace, in describing the Duke of Normandy's summons to the "villains :"

Par la contrée fit mander  
Et a vilains dire et crier,  
Que a tiex armes, com il ont  
Viengnent a lui ains quil porront,  
Lors voissiez haster vilains,  
Pilx et macheues en lor mains.

<sup>2</sup> "De relief al cunté, que al rei afeist. viii chivalz, selez et enfrenez, les iiii halbers, et iiii hammes, et iiii escuz, et iiii lances, et iiii espes." *Leg. Gulielm. 1, c. 26.*

<sup>3</sup> Strutt's *Manners and Customs of the People of England*, vol. i. p. 98. So Wace, speaking of the Norman infantry :

"Et vous avez lances aquis,  
Et quis armes bien emollues."

der this description of the Saxon and Norman armour clear and authentic, will not be deemed superfluous, when it is understood that the Scottish armour used during this period appears, with a few alterations, borrowed in all probability from the Norwegians, to have been the same as that worn by the Saxons and Normans. The battle-axe, the mace of iron, and the short dagger, were adopted by the knights, and, along with the other arms of the lower ranks, borrowed by the Scoto-Normans from their countrymen, and introduced into Scotland. Thus, on the seal of Alexander the First of Scotland, who succeeded Malcolm Canmore, and whose sister Matilda married Henry the First of England, we find the scaled mail-coat composed of mascles, or lozenged pieces of steel, sewed upon a tunic of leather, and reaching only to the mid thigh. The hood is of one piece with the tunic, and covers the head, which is protected with a conical steel cap, and a nasal. The sleeves are loose, so as to show the linen tunic worn next the skin, and again appearing in graceful folds above the knee. The lower leg and foot are protected by a short boot armed with a spur. The king holds in his right hand a spear, to which a pennoncelle, or small flag, is attached, exactly similar to that worn by Henry the First. The saddle is peaked before and behind, and the horse on which he rides is ornamented by a rich fringe round the chest, but altogether unarmed.<sup>1</sup>

<sup>1</sup> Seal in the *Diplomata Scotiae*, plate viii, and the plate in Dr Meyrick's *History*, p. 29, plate x.



Another curious specimen of the Scottish armour of the twelfth century is to be seen on the seal of David, Earl of Huntingdon, brother of William the Lion. It is of the species called, by the contemporary Norman writers, the "treliessed," and consists of a cloth coat or vest, reaching only to the haunches, and with sleeves extending to the wrist. This is intersected by broad straps of leather, laid on so as to cross each other, but to leave intervening squares of the cloth, in the middle of each of which is a round knob or stud of steel. The chaperon or hood is of quilted cloth, and the under tunic, of linen, covers the knee, and hangs in folds over the saddle, which is highly peaked, in the shape of a swan's neck. His shield is rounded at the top, and he holds a long spear, ornamented by a gonfanon, on which a rose is embroidered. His helmet is the conical one, plain, and worn over the hood, and the horse has neither armour nor trappings.<sup>1</sup> It was this David, Earl of Huntingdon, who, having embarked for the Holy Land with Richard Cœur de Lion, is said to have been shipwrecked on the coast of Egypt, and sold as a slave to a Venetian merchant. His master brought him to Constantinople, where he was fortunately recognised by some English merchants, redeemed, and sent home.<sup>2</sup>

<sup>1</sup> Meyrick, vol. i. p. 11. . Anderson's *Diplomata*, plate x.

<sup>2</sup> Chron. Melross, p. 179. Hailes, vol. ii. p. 341. Dr Meyrick has accidentally mistaken this David, Earl of Huntingdon, from whose daughter Robert Bruce was descended, for his grandfather, David the First; but the error is a trifling one. Mills, in

The shield which was used in Scotland at this period was the kite-shaped shield of the Normans; and, although plain and unornamented at first, we find that, in the beginning of the thirteenth century, under Alexander the Second, the lion rampant of Scotland appears upon it for the first time. On the shield of Prince Henry, grandfather of William the Lion, who died about sixty years before the accession of that prince to the throne, there is no appearance of any heraldic blazoning; and the practice, which was first introduced by Richard Cœur de Lion into England, appears to have been adopted, during this interval, by our Scottish monarchs.<sup>1</sup> The strict friendship and constant intercourse which was maintained between William the Lion and Richard the First, and the attention which was paid by the latter monarch in Europe and in Palestine to every thing connected with the improvement of the military art, must have produced a correspondent enthusiasm in our own country, and these improvements would speedily be brought into Scotland by David, Earl of Huntingdon, and his companions, the brother crusaders of

an amusing but superficial work, which he has entitled a History of Chivalry, affects to despise the Critical Enquiry of Dr Meyrick. That there may be some few errors in an enquiry embracing so wide a range, none will deny; but, in point of research and historical interest, it is worthy of great praise. It is to be regretted that the valuable matter of the text should be shut up from most readers by the costly price, which the plates render indispensable.

<sup>1</sup> Anderson's *Diplomata Scotiæ*, plate xx. Meyrick's *Ancient Armour*, vol. i. p. 101.

Richard. This observation is accordingly confirmed by the fact just noticed, that Richard first bore the three lions on his shield, and that the same practice, formerly unknown, was adopted not long after in our own country.

Another change appears in the helmet of Alexander the Second, which confirms this remark; the aventayle, or visor, and the cylindrical shape, are seen in its construction for the first time; and these we know were brought in by Richard the First, although under a slightly different form as used by the lion-hearted king. This Alexander succeeded his brother William the Lion in the beginning of the thirteenth century. He appears clothed in a complete coat of masled mail, protected by plates at the elbows. The surcoat also, first worn in England by John, is thrown over his armour,—another proof of the progress of military fashions from England into this country; and his shield is hollowed, so as to fit the body and completely defend it. His horse, without any defensive armour, is ornamented with a fringed and tasselled border across the chest, and an embroidered saddle-cloth, on which the lion rampant again appears.<sup>1</sup>

Under the succeeding reigns of Alexander the Third, Baliol, Bruce, and his son, David the Second, the military costume, the fashion, shape, and ornaments of the arms, and the science of war, appear to have been almost exactly the same in both countries. Alex-

<sup>1</sup> Seal in Anderson, plate xxxi. Meyrick's Armour, vol. i. p. 101.

under the Third wears the cylindrical helmet, with the perforated aventayle; there is a superior richness and splendour in the ornaments of his armour, and the horse is covered from head to foot with flowing housings, on which the lion rampant is richly embroidered, within a bordure set with fleurs de lis. A plume of feathers surmounts the helmet, and the same ornament is seen on the head of his horse.<sup>1</sup> Little difference is discernible in the military costume of Robert Bruce, except that his steel casque is surmounted by a royal crown, which we have seen him wearing at the battle of Bannockburn.

As the arms and military costume of both countries appear to have been exactly similar, so we may, with equal truth, apply the same remark to the science of war itself. The superior genius of Bruce soon indeed perceived, that to cope with the English in cavalry was impossible, and he accordingly directed his principal attention to perfecting the arms and the discipline of his infantry,—a system taught him by the example of Wallace; but this was chiefly occasioned by the poor and exhausted state of the country. Previous to the long war of liberty, which drained away its wealth, and arrested it in its career of improvement, the cavalry of Scotland, as we have seen in our former allusions to the battle of the Stand-

<sup>1</sup> Anderson's *Diplomata*, plate xxxvi. See Chamberlain's *Accounts*, Temp. Alex. III. p. 35, "In reparacione lorice dni regis 18 sh." etc. Ibid. p. 38, "In mundacione armorum dni regis 18 sh. et 8 d." Ibid. p. 45, "Item in 14 targis bene munitis sciltarga pro 5 sh. 70 sh. In emendacione 3000 querellis 5 sh."

ard and the battle of Largs, held a principal place in the composition of the army. The disastrous defeat which David experienced in the first of these actions was, in all probability, occasioned by his being compelled to place the ferocious and half-armed Galwegians in the first line; and, even after their undisciplined conduct had introduced disorder and flight, the day was nearly restored by a successful charge of the Prince of Scotland, at the head of his men-at-arms, who, to use the expressive phrase of Ethelred, "scattered the English army like a cobweb." In the battle of Largs, the appearance of the Scottish knights on Spanish horses, then considered of high value, and which were clothed in complete mail, evinces that, under Alexander the Third, the cavalry of Scotland was equal in equipment to the sister country. We learn, from the Chamberlain's rolls of the same monarch, that, in the preparations which were made for defence and security in the different castles about the time of the expected invasion of the King of Norway, the warlike engine called the balista was in use; and that there was an officer in the castle of Aberdeen called Balistarius, who was allowed twenty shillings for the purchase of staves, and other necessities which belonged to his office.<sup>1</sup>

<sup>1</sup> Chamberlain's Rolls, Temp. Alex. III. p. 19, "Item, Willelmo ballistario ad emendum baculos, et alia que pertinent ad officium suum 20 sh." Ibid. p. 9, "Item, Balistario de illo anno 2 Marcas et dimidiam." Ibid. p. 10, "Idem comes petit sibi allocari costumas de xi<sup>xx</sup> petris ferri et fabricam de mille septingentis et septuaginta querelliis et fabricam de ix<sup>xx</sup> ferri;" and again, p. 47,

At an earlier period still, when David the First, and his son, Prince Henry, invaded England in 1138, they attacked the castle of Werk with balistæ, and other warlike engines;<sup>1</sup> and we have every reason to believe that the science of war, and the attack and defence of fortified places, must have been the same, with very slight variations, in both countries. It is evident, from the history of the Bruce and Baliol wars, and the most remarkable sieges which took place during their continuance, that, in whatever terms of wonder these warlike machines for the battering of the walls are described by the contemporary historians, they were truly very clumsy and inefficient inventions; and that a strong-built castle, if well victualled, and tolerably garrisoned, could defy, for many months, the whole efforts of a very numerous army, with its balistæ, mangonels, tribuchets, sows, and rams playing upon it without intermission.

During the reigns of Edward the Second and Third in England, and the corresponding period occupied by the latter years of the reign of Robert Bruce, and the whole of that of David the Second in Scotland, the plate-armour began gradually to supersede the mailed coat; and various improvements and new inventions, both in the strength and in the ornamental parts of the equipment of knights and soldiers, were introduced, which, from the constant in-

"Item quod die hujus computi remanserunt in custodia ipsius, H. 12 lorice, 2 honbergell, unam par calligarum ferrearum, 14 targys, et 12 bipennes."

<sup>1</sup> Rich. Prioris Hagulstad. p. 315.

tercourse between the two countries, were adopted simultaneously in both. In 1367, a duel was fought between Thomas Erskine, a Scottish knight, and James Douglas of Egmont, on some quarrel not now discoverable. Both champions obtained permission from Edward the Third to purchase their arms and body armour, on this occasion, in London; and the royal letters inform us of what pieces they consisted. A breast-plate and back-piece, a helmet, a habergeon, arm-plates, thigh-pieces, greaves for the legs, and iron gauntlets, formed the body armour. The weapons were, a dagger or short sword, a long sword, and a knife; and one of the knights requests to have body armour for two horses, whilst his antagonist contents himself with a chamfeyn or iron frontlet for one.<sup>1</sup>

In the use of the bow, the English continued invariably to be superior to the Scots, and their bodies of mounted archers, and of cross-bowmen, who were not unfrequently armed in mail, often made cruel havock amongst the Scottish spearmen. It is a singular circumstance, that, although the importance of the long-bow could not fail to have suggested itself to such masters in war as Wallace and Bruce, and Randolph and Douglas, there does not appear to have been any very successful efforts made to introduce it as a national weapon. In remote times, indeed, we find the Scottish archers bearing a part in the battle of the Standard;<sup>2</sup>

<sup>1</sup> *Rotuli Scotiæ*, vol. i. pp. 916, 917.

<sup>2</sup> *Ethelredus de Bello Standardi*, p. 342, "Alteram aciem filius

but, at the subsequent battles of Dunbar, Stirling, and Falkirk, they do not appear. In the memorable defeat, indeed, which Bruce gave to the Lord of Lorn, in the pass of Cruachan-Ben, Sir James Douglas appears at the head of a body of archers lightly armed,<sup>1</sup> but they are not to be recognised in the muster of the army at Bannockburn; and although Bruce, in an ordinance of arms passed in 1319, commands every man possessed of the value of a cow to arm himself, either with a bow and a sheaf of arrows, or with a spear, the last weapon was evidently preferred by the Scottish yeomanry. Neither in the future expeditions during the reign of this monarch, nor in the disastrous battles of Dupplin, Halidon, and Durham, do we meet with a body of Scottish archers.<sup>2</sup> With regard to the first of these battles at Halidon, there is to be found, in the British Museum, amongst the Harleian Manuscripts, a most minute and curious account of the numbers, the arms, and the arrangement of the Scottish army, with the names of all the leaders;<sup>3</sup> which proves that the Scottish army consisted of knights, and of heavy-armed and light-armed infantry, without either archers or cross-bow-

regis, et militis, Sagittariique cum eo, adjunctis sibi Cumbrensibus et Tevidalensibus, cum magna sagacitate constituit."

<sup>1</sup> Barbour, pp. 190, 191.

<sup>2</sup> At the siege of Perth, however, under the Regency of Moray, Fordun mentions that Alan Boyd and John Stirling, "*duo valentes armigeri, rectores architenentium*," were slain.

<sup>3</sup> This interesting fragment is printed in the Appendix, letter D.



men. The same remark may be made with regard to the array at the battle of Durham ; the knights armed *cap-à-pié*, with the *homines armati*, or heavy-armed infantry, formed the strength of the army ; and besides this there was a very large body of half-armed foot.<sup>1</sup> The ordinance of arms which was passed by Robert Bruce in 1319, acquaints us, in sufficiently minute terms, with the arms then used by the Scottish army. An acton and a steel helmet, gloves of plate, and a sword and spear, were to be provided by every gentleman who had ten pounds value in land, or ten pounds of movable property. Those of inferior rank and fortune were bound to fit themselves with an iron jack, an iron head-piece, and gloves of plate ; and the lowest class of all with a spear, or with a bow and a sheaf of arrows.<sup>2</sup>

The civil dress of those remote times, as it is seen in the illuminations of manuscripts, and in the reverses of the seals of our early monarchs, appears to have been exceedingly rich and graceful. A robe of purple velvet or scarlet cloth, richly lined and hooded with ermine, with a border of gold embroidery, and flowers of gold scattered over it ; an under tunic of silk, or other precious stuff, made sometimes close to the figure, and at other times hanging in loose folds almost to the heel ; hose and breeches in one piece ; and laced sandals, formed the common state dress of the kings, princes, and nobles, their more ordinary

<sup>1</sup> Fordun a Goodal, vol. ii. p. 342.

<sup>2</sup> History, vol. i. p. 354. See Appendix, letter Q.

habits being nearly the same in shape, but of less costly materials.<sup>1</sup>

During the thirteenth century, a fantastic fashion prevailed of clothing one-half of the figure in one colour, and the other half in another; and, where this was not done, of having one stocking red or blue, and the other green or yellow; so that the man had the appearance of having stepped into one half of his neighbour's breeches or hose. But the absurd practice did not long continue, and appears to have been at last abandoned to the exclusive use of fools and jesters.

The costume of the ladies at the same period was particularly elegant, but very various; and it is difficult, in any written description, to give an idea either of its beauty, or of the complicated grouping of its various parts. The upper part of the dress consisted of a jacket of rich broad cloth or velvet, with sleeves reaching to the wrist, and terminating in a border of gold embroidery, which was made to fit close to the bosom and the waist, so as to shew the outline of the female figure. It was fastened down the middle with a row of buttons of silver, gold, or

<sup>1</sup> Strutt's *Dress and Habits of the People of England*, vol. ii. plates 83 and 85. Chamberlain's *Accounts*, Temp. Alex. III. p. 13, "*Augustino cissori per preceptum dni regis ad emendum pannum et furur. ad opus dni regis vi. marcas et dimidium.*" See *Ibid.* p. 17, "*In empcionibus tam in panao serico et aliis, quam in peletria speciebus electuariis, et aliis minutis empcionibus, 10 lib. 8 sh. 1 d.*" *Ibid.* p. 43, "*Item in duobus paribus ocrearum ad opus dni regis 12 sh.*"

she resembled a little angel, her countenance was so modest. Then again he put a wimple upon her head, and over that a coverchief, which concealed the wimple, but hid not her face. All these garments were then laid aside for gowns, yellow, red, green, and blue, and her hair was handsomely disposed in small braids, with threads of silk and gold, adorned with little pearls, upon which was placed, with great precision, a crestine, and over the crestine a crown or circle of gold, enriched with precious stones of various sizes. Her little ears, for such they are said to have been, were decorated with two beautiful pendent rings of gold, and her necklace was confined to her neck by two clasps of gold. Her girdle was exceedingly rich, and to it was attached an aulmoniere, or small purse of great value."<sup>1</sup> This amusing and curious passage gives us some idea of the variety and splendour of the female dress of the times: and we may conceive what a noble spectacle it must have been, to have seen an ancient Gothic hall filled with fair forms in such splendid apparel, and crowded with barons, knights, squires, and pages, in their velvet robes and jewelled girdles, glancing, as they moved, to the rays of the sun, as they streamed through the painted windows; or assembled at night, while the

<sup>1</sup> I have employed the translation, or rather the abstract of this passage given by Mr Strutt in his excellent work on the Habits and Dresses of the People of England, from a manuscript in the British Museum. Strutt's Habits and Dresses, vol. ii. p. 236. He has in some places used a little liberty with the original, which will be found in the Appendix, letter R.

music of the minstrels echoed through the hall, and the torches threw their red gleams upon the oaken wainscot and fretted arches, bringing out in clear and picturesque relief their fantastic but often beautiful decorations.<sup>1</sup>

<sup>1</sup> See Appendix, letter S.



## **NOTES AND ILLUSTRATIONS.**



## NOTES AND ILLUSTRATIONS.

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### LETTER A, page 4.

IN the present volume, the reader will find many references to the Accounts of the Great Chamberlains of Scotland. Two large quarto volumes of these accounts, which contain all that is yet printed, were politely communicated to me by Mr Thompson, the present Clerk Register, to whose learning and enthusiasm the legal antiquities of the country are under deep obligations. Neither of these volumes has as yet been published, as the Preface and Appendix to be subjoined to each is not yet printed; but when completed, the work will be one of the most valuable which has ever been presented to the student of the history and antiquities of his country. The accounts, indeed, are written in Latin, and, from the innumerable contractions, present themselves in a shape somewhat repulsive to the general reader; but they contain a mass of information upon the state of ancient Scotland, its early agriculture, commerce, manufactures, and upon the manners and habits of the people, which is in a high degree interesting and important. From the extreme minuteness of the details, and the perfect authenticity of the records, there is a freshness and a truth in the pictures which they present, nowhere else to be met with. As a corroboration of this remark, let us take the following specimen from the *Compotum Constabularii de Cardross*, vol. i. p. 37. 30th July, 1329.

Item computat in empcione 2 celdrarum frumenti 53 sh. 4 d.  
Et in empcione 40 celdrarum farinæ 40 lib. boll pro 15 d. Et  
in empcione 130 celd. et 8 boll. ordeï, et brasei ordeï, secundum



quod computans declarabit 166 lib. 11 solidi; videlicet 40 celdr. pro 40 lib. celdr. pro 20 solidis et 40 celdr. pro 44 lib. celdr. pro 22 solidis et 40 celdr. pro 46 lib. celdr. pro 23 solidis et 30 celdr. pro 36 lib. celdr. pro 24 solidis et 8 boll pro 11 solidis. . .

Item in empcione 77 martorum, 32 lib. In 7 martis emptis, 56 solidi. Et in empeione 20 martorum pro pasta, 100 solidi. Et pro 5 multonibus emptis, 7 solidi et 6 denarii. Et in 36 salmonibus salsis empt. 18 solidi. . . .

Item pro uno reti empto pro piscibus majoribus et minoribus capiundis, 40 solidi. Item pro maremio empto pro scaffaldis faciendis pro opera novæ cameræ, 3 solidi.

Item in 6 petros crete empt. pro pictura nove Cameræ apud Cardross, 3 solidi. Et in 10 lib. stanni pro clavis ad reparacionem ipsius Cameræ dealbandis et pro vitreo opere fenestrarum ejusdem, 3 solidi et 4 denarii. Et pro 30 ponderibus bosci ad comburendum pro negociis operis vitrei dictæ cameræ, 2 solidi et 6 denarii. Item pro 1 celdr. calcis albe emptæ pro dealbacione dictæ cameræ, 8 solidi. . . . .

Item computat pro fabricatione 80 petrarum ferri pro navibus Domini Regis et Comitæ Moraviæ, ac pro aliis negociis manerii de Cardross, 26 solidi et 8 denarii, videlicet pro qualibus petrarum 4 denarii. Item, levantibus mala Domini Regis per tres rices, 3 solidi. Item, pro duccione magnæ navis Domini Regis ab aqua in rivulum juxta manerium, ac pro actiliis ipsius navis eariatis, et portatis in manerium de Cardross, 3 solidi. Item, pro 200 plaustratis petarum in æstate anni 1328, 4 lib. Item, pro 200 plaustratis petarum, in omnibus custibus factis circa cariagium earundem usque ad Cardross in anno 1329, 4 lib. . . Item pro custodia 61 martorum interfectorum ut patet inferius per tres septimanas, 12 denarii. Item pro interfectione eorundem, 5 solidi. Item in portagio carcosiorum eorundem in lardarium, 12 denarii. Item Idem computat pro construccione unius porte juxta novam Cameram apud Cardross, 6 denarii. Item pro emendacione et tectura domus cujusdam pro falconibus ibidem cum construccione cujusdam sepiæ circa ipsam domum, 2 solidi.

Item in construccione cujusdam domus ad opus Culquhanorum Domini Regis ibidem, 10 solidi. Item computat Johanni filio

Gun pro negociis navium Domini Regis, 6 lib. 13 solidi et 4 denarii. Item computat 12 hominibus de Dumbar transeuntibus usque le Tarbart, pro magna nave Domini Regis reducenda, 28 solidi. Item in expensis hominum transeuncium cum Patricio stulto veniente de Anglia usque le Tarbart, 18 denarii.

Even within the small limits of this extract, it will be seen that much curious and interesting information is to be found. The prices of grain, and the quantities furnished for the consumption of the royal household at Cardross, (it will be recollected that Robert Bruce spent there the two last years of his life, 1328, 1329,) the prices of the provisions for the larder, which consisted of marts, sheep, salted salmon, and numerous other articles not in this extract, enable us to form a pretty correct idea of the mode of living at this time. From the next passage, we are not only able to glean some information as to the state of the necessary and ornamental arts, but we obtain, at the same time, an interesting view of the occupations of this great king during the last year of his life. We see him and his illustrious nephew, Randolph, employing their rural leisure in experiments in ship-building and navigation, although the circumstance, that one of the king's *great* ships could be hauled from the frith to the running stream (rivulum) beside the manor of Cardross, gives us a very contemptible idea of the size of these vessels. The house for the king's hawks, and the expenses paid for the journey of Patrick the Fool, from England to Tarbart, are examples of the entries in these records which throw light on the manners of the times. Of the obscure sentence regarding the house which was constructed "*ad opus culqubanorum domini regis*," I am unable to give any explanation; but innumerable other passages might be selected, which would prove the high interest and value of these accounts.

The first volume contains 543 pages, and its contents, as described in page 2, are as follows:

1. The preface to the volume, with an appendix.
2. Extracts from a roll of accounts in the reign of Alexander the Third, A.D. MCCLXIII.—MCCXXVI., and from a roll of accounts during the Interregnum, A.D. MCCLXXXVIII.—MCCXC. From the originals, now lost, by Thomas Earl of Hadington, clerk register in the reign of James the Sixth.

3. The accounts of the great Chamberlains of Scotland, and of the other officers of the Crown, now remaining in his Majesty's General Register House, arranged in the order of time, from the twentieth year of the reign of Robert the First, A.D. MCCCXXVI., to the death of David the Second, A.D. MCCCLXX.

The second volume extends to 679 pages. Its contents are as follows :

1. Preface to this volume.
2. The accounts of the Great Chamberlains of Scotland, and of the other officers of the Crown, now remaining in his Majesty's General Register House, arranged in the order of time, from the accession of Robert the Second, A.D. MCCCLXXI., to the death of Robert the Third, A.D. MCCCCVI.

LETTER B, p. 10.

*Death of Randolph.*

Barbour, the metrical historian of Bruce, whose work is of the highest authority, informs us that Randolph was poisoned, without adding any particulars.

The lave sa weill mantenynt he,  
And held in pes sa the countre,  
That it wes nevir or his day  
Sa weill, as I herd auld men say.  
*Bot syne, allace ! gusoynt wes he ;*  
*To see his dede was gret pite.*—BARBOUR, p. 423.

Barbour is generally believed to have been born about 1316, and, according to Lord Hailes' conjecture, was fifteen years old at the period of the death of Randolph. I would ask, on what grounds are we entitled to set aside such an authority ?

Winton is supposed, by his able editor, M'Pherson, to have been born about the year 1350, (Preface to Winton's Chronicle, p. 19,) only eighteen years after the death of Randolph. He composed his Chronicle in his old age, having commenced it in 1420, and finished it in 1424. (Ibid. p. 22.) His account is as follows.

"Darefore with alycht thai thoet to gere  
 Hym wyth wenenous fell poyson  
 Be destroyed, and fel tresoun  
 And that thai brocht aune til endyng  
 Be sum tresounabill undertakyng;  
 For at the Wemyss, be the se,  
*Poysonnyd at a fest wes he.*"—Vol. ii, p. 146.

This is pretty direct testimony also. Let us next turn, not to Fordun, for he omits all mention of the circumstance<sup>1</sup> of the poisoning, and simply states the death of the Regent, but to his continuator, Bower, who, as we learn from himself, was born fifty-three years after the death of Randolph,<sup>2</sup> in the year 1385. "Et ideo," says he, speaking of the designs of the disinherited barons against Randolph, "*novam artem confixerunt, et ut Italici ferunt, bello tradimento verius vili effecerunt, ut quidam Anglicus religione corruptus dicto custodi familiaris capellanus, sibi venenum in vino propinaret. Quod et factum est ut supra.*" Hailes, in opposition to these respectable authorities, pronounces the story of the death of Randolph by poison to be a silly popular tale, and affirms that he was afflicted in the decline of life with a confirmed stone; that in the progress of the disease he became gradually worse, was seized with colic pains, and at length died. It is singular that this circumstance of Randolph being afflicted with the stone, as well as the minute detail of the progress of the disease, on which Hailes' whole theory rests, is not supported by an atom of authentic evidence. It rests solely on the authority of *Hector Boece*, whom Hailes in almost every page represents, and truly represents, as a romancer, who is unworthy of all credit. Barbour, Winton, and Bower, say not a word of it, but describe Randolph as being in the active discharge of his duties as governor, when he was suddenly cut off by the treachery of his enemies. Yet this historian does not hesitate to adopt the fabrication of an author whom none can trust, and whom, on other subjects, he never trusts himself, in order to support an attack against the Scottish historians. As

<sup>1</sup> Fordun & Hearn, p. 1018.

<sup>2</sup> Lib. xlv. c. 50.

for poor Hector, he is treated rather cavalierly, being first compelled to act as an ally, and then summarily put down as a fabricator. In speaking of the Scottish historians, we must be careful to separate Boece and his followers from those who flourished before him. The last class, including Barbour, Winton, Fordun, and Bower, are highly valuable; the first, full of invention and apocryphal details. For instance, Hailes observes, that the Scottish historians pretend that Randolph was poisoned by a vagrant monk from England, and that this was executed with the knowledge of Edward the Third. Now, neither Barbour nor Winton, as we see, say a word of Randolph being poisoned by a monk, far less an English monk; and Fordun, although he lays the crime on an English chaplain, does not allege that Edward was privy to the plot. Boece, however, and those who followed him, assert both facts.

LETTER C, p. 30.

*Death of Seton.*

Hailes, in his *Annals*, has omitted the circumstance of Edward the Third having hanged the son of Sir Alexander Seton, reserving it as a historical problem, to be treated of in a separate dissertation. In the dissertation given in the appendix, the fact of Seton's death is established beyond doubt, yet in future editions the scepticism of the text is retained. The result of the dissertation is satisfactory in one way, as it proves that Winton and Fordun are corroborated in every particular by the narrative of the *Scala Chronicle*. Their account also of Seton being governor of the town, is confirmed by the testimony of the Chamberlain's Accounts.

LETTER D, page 32.

*Battle of Halidon Hill.*

Extract from a MS. Chronicle of England, down to the time of Henry the Fifth, by Douglas, a monk of Glastonbury.

Ande the Scottes come in this araye in iiii bateilles ageste the II. kingges of Englund and Skottelond, as it is schewed herafter plenely by the names of the Lordes, as ye mough se in this nexte writingge.

In the forewarde of Skottelonde, weren thes Lordes whas names folowenne :

The Erle Moreffe.	Robert Caldecotes.	} With 40 knightes new dubbede, vi <sup>e</sup> men of armes, and xiii <sup>m</sup> comuness.
James Friselle.	Philip Meldrum.	
Simonde Friselle.	Thomas Kyrre.	
Water Stywarde.	Gilbarde Wiseman.	
Ranolde Cheyne.	Adam Gurdun.	
Patrick Graham.	James Gramat.	
Jonne Graunte.	Roberte Boyde.	
James Cardeille.	Hugh Parke.	
Patrick Parkers.		

In the first parte of the halfe hendeward of the bateille, weren these Lordes folwing :

Stywarde of Scottelonde.	} With thritty bachelers new dubbede.
Erle Moneteth.	
James hes unkelle.	
William Donglas.	
David Lindessaye.	
Malcome Flemmyng.	
Wm. Kethe.	
Dunkan Kambel.	

In the seconde parte of the halfe hendewarde of the bateilles, wer thes Lordes :

James Stywarde of Colden.	Jon fits William.
Alan Stywarde.	Adam Mese.
William Abbrelim.	Water fits Gilberte.
William Moris.	Jon Cherton.
Robert Walham.	

In the III. warde of the bateilles of Skotelonde, weren these Lordes folowinge :

The Erle of Marre.  
 The Erle of Rosse.  
 The Erle of Straherne.  
 The Erle of Southerlande.  
 William Kirkeley.  
 Jonne Cambron.  
 Gilbert Haye.  
 William Ramseye.  
 William Prentegeste.  
 Kirston Harde.  
 William Gurdon.  
 Arnalde Garde.  
 Thomas Dolfine.

With 40 knightes newe  
 dubbede, ix men of  
 armes, and xv<sup>m</sup> co-  
 miners.

In the IIII. warde of the bateilles of Skotelonde, were these Lordes whose names folowe :

Archibald Donglas. - Gilbert Schirlowe.  
 The Erle of Levenax. Jonne Lindessay.  
 Alesaunder Brus. Alesaunder Gray.  
 Erle of Wiffe. Ingram Umfreville.  
 Jonne Cabell. Patrick Pollesworthe.  
 Erle of Athelle. David Wymes.  
 Roberte Laweder. Michel Scotte.  
 William Vipont. William Landy.  
 William Launston. Thomas Boys.  
 Jonne Lavel. Roger Mortimer.

With xxx ba-  
 chelers, ix<sup>c</sup>  
 men of armes,  
 xviii<sup>m</sup> and iii<sup>i</sup>  
 cominers.

The Erle of Dunbar, keeper of the castle of Berwicke, halpe the Scottes with 50 men of armes. Sir Alisaunder Seton, keeper of the towne of Berwicke, halpe the Scottes with an hundred men of armes ; and the comens of the town, with iii men of armes, x<sup>m</sup> and viii fote menne. The sum of Erles and Lordes amounteth lxxv. The sum of bachelers new dubbede, a c. and xl. The sum of men of armes, iii<sup>m</sup> vi<sup>c</sup> and i. The sum of

cominers iiii score m. and ii<sup>c</sup>. The sum total of alle the pepelle amounteth iiii<sup>xx</sup> m. xv<sup>m</sup> and v<sup>c</sup> and v.

And these forsaide fifty five grete Lordes, with iiii bateilles, as it is before descryvede, come alle a fote. And Kinge Edwarde of Englonde, and Kinge Edwarde of Skottelonde, had well paired ther folke in iiii bateilles on fote, also to fighte agenste ther enemys. And then the Englishe mynstrelles beten ther tabers, and blowen ther trompes, and pipers pipeden loude, and made a grete schoute uppon the Skottes, and then hadde the Englishe bachelers, eche of them ii winges of archers, whiche at that meeting mightly drewen ther bowes, and made arowes flee as thick as motes on the sonne beme, and so thei smote the Skottes, that thei fell to grounde by many thousands. And anone, the Skottes begane to flee fro the Englishe menne to save ther pere lyves; butt whan the knaves and the Skottishe pages, that weren behinde the Skottes to kepe ther horses, seyen the discomfiture, thei prikened ther maisters horses away to kepe themselfe from perille, and so thei towke no hede of ther maisters. And then the Englishe men towken many of the Skottes horses, and prikened after the Skottes, and slewe them downe righte. And ther men might see the nowbell Kinge Edwarde of Englonde and his folke, hough mannefully they chaseden the Skottes; whereof this Romance was made.

There men mighte well se  
 Many a Skotte lightly flee;  
 And the Englishe after priking  
 With sharp swerdes them stiking.  
 And then ther baners weren founde  
 Alle displayde on the grounde,  
 And layne starkly on blode  
 As thei hadde fought on the fode.  
 But the Skottes ill mote thei  
 Thought the Englisch adrent schulde be,  
 For bicause thei might not flee.  
 But if thei adrent schulde be,  
 But thei kepte them manly on londe,  
 So that the Skottes might not stonde,  
 And felde them downe to grounde  
 Many thousandes in that stounde,



And the Engliſhe men purſuyed them ſo  
 Tille the flode was alle a-goo.  
 And thus the Skottes diſcomfite were,  
 In litell tyme with grite feere,  
 For no notherwiſe did thei ſtryve  
 But as xx ſchepe, among wolſes fyve,  
 For v of them theſe were  
 Agenſte ane Engliſcheman there ;  
 So there itte was well ſemyng  
 Thatte with multitude is no ſcomfiting.  
 Butt with God fulle of mighte  
 Wham he will helpe in trewe fighte.  
 So was this bi Goddes grace  
 Diſcomfiture of Skottes in that place  
 That men cleped Halidoun hille.  
 For ther this bateill befelle  
 Atte Berwicke beſide the towne,  
 This was do with mery ſoune  
 With pipes, trompes, and nakers thereto,  
 And loude clarionnes thei blew alſo ;  
 And there the Skottes layen dede  
 xxx m. beyonde Tweed,  
 And v m. tolde thereto  
 With vil c. xli and mo ;  
 And of Engliſchemen but ſevenne,  
 Wareſhipped be God in bevenne !  
 And that were men on ſote goyng  
 By fely of ther owne doying.  
 On Seinte Margete-ys eve, as I yow telle,  
 Befelle the victory of Halidoun hille.  
 In the yere of Gode almightie  
 A m. iii c. and ii and thritty.  
 Atte this diſcomfiture  
 The Engliſche knightes towke ther hure  
 Of the Skottes that weren dede,  
 Clothes and habergiounes for ther mede,  
 And watterever thei might finde,  
 On the Skottes thei lefte not behinde  
 And the knaves by ther purchas  
 Hadde ther a mery ſolas,  
 For thei hadde for ther degree  
 In alle her lyffe the better to be.  
 Alle thus the bateille towke ending,  
 But I cannot telle of the ymgoing

Of the two kinges, where thei become,  
 And whether thei wenten oute, or home.  
 But Godde that is heven King  
 Sende us pes and gode ending !

LETTER E, page 86.

*Battle of Durham.*

Hailes (Annals, vol. ii. p. 218), in his observations on the conduct of the Steward of Scotland at the battle of Durham, has this passage: "Boece, b. xv. fol. 324, has been pleased to assert, that the Steward and the Earl of March, perceiving that the forces under their command were dispirited, and unwilling to fight any longer, withdrew them to a place of safety." He adds, "that this retreat was the cause of all the disasters which ensued." Hailes then observes, that the proper vindication of the Steward is, that the narrative of Boece, although not altogether of his own invention, has no warrant from Fordun, or from any English historian of considerable antiquity. I have no desire to support the character of Boece, the most apocryphal of all our historians; but as I have differed entirely, in this part of the history, from the view given of this battle by Hailes, it is necessary to observe, that this has been done on authentic grounds; and I must remark, that this historian had certainly read Fordun's account of the battle of Durham in a very cursory way; for, instead of giving no support to Boece, this ancient chronicler describes the flight of the Steward and the Earl of March in strong expressions. "Omnibus captis," say he, "exceptis Patricio de Dunbar et Roberto Sever Scotis, qui fugam capientes illeni abierant."—Fordun a Hearne, p. 1038. The Scala Chronicle, a contemporary English authority, of which Leland has given extracts in his Collectanea, also corroborates the account of Fordun. "The Counte of March and the Seneschal of Scotland fled." To say that the Steward fled from the field without striking a blow, would be highly inaccurate, for we know from Winton that he sustained great loss; but that, seeing the day on every side going against

them, he and the Earl of March effected their retreat without attempting to rescue the king, seems to be the fact; and it is quite evident that David never forgave it.

LETTER F, page 157.

The Record of the proceedings of the Parliament held at Perth on the 13th of January, 1364, is extremely curious, and has never yet been published; I therefore subjoin it.

*Apud Perth in Domo fratrum predicatorum die tercio decimo mensis Januarii anni domini millesimi trecentesimi sexagesimi quarti.*

Constitutis et comparentibus coram domino nostro rege tanquam in suo consilio generali venerabilibus in Christo patribus dominis Sancti Andree Donkeldensis Brechynensis Rossensis et Candide case ecclesiarum episcopis De Dunfermelyn de Aberbroth de Passeleto de Scona de Kylwynnyne et de Cupro abbatibus Et dominis Roberto senescallo Scocie Comite de Stratherne, Willielmo Comite de Rosse Johanne Senescallo domino de Kyle, Willielmo de Keth marescallo Scocie Roberto de Erskyn, Archembaldo de Douglas, Hugone de Eaglyntoun, Waltero et Alexandro de Haliburtoun, Daud de Grame, Alexandro Senescallo Willielmo de Dyssyntoun, Rogero de Mortemer, Daud Fleming, Daud de Anandia, et Roberto de Ramesay militibus, Alano de Erskyn, Malcolmo Fleming, Willielmo de Nevbyggyng, et Willielmo de Melgdrom, Johanne Wygmer, Adam Tor, Johanne Crab, Adam Pyngle, Johanne Mercer, Johanne Gil, Willielmo de Harden, et Eliseo Falconier, Conuocatisque aliis ad huiusmodi consilium vocari consuetis et ad negocia infrascripta citatis et recitatis articulis siue punctis reportatis a tractatu nuper habito cum rege et consilio Anglie per nuncios vltimo illuc missos videlicet Dominum Willielmum episcopum Sancte Andree Dominum Robertum de Erskyn militem Magistros Walterum de Wardlau et Gillebertum Armistrang prout continetur inferius fuit per modum qui sequitur concordatum

videlicet Quod eorum omnium plena fuit intencio et assensus quod tractatus super bona pace reformanda et habenda perpetuo cum rege et regno Anglie acceptetur per vias modos et condiciones subscriptas, et quod si tractatus huiusmodi super pace forte deficiat, fiat tractatus super trengis habendis per redempcionem regis soluendam, si possit haberi vt inferius est contentum ad quod nuncium faciendum eosdem prenomatos nuncios concorderiter elegerunt.

Primo quidem quo ad primum articulum seu punctum reportatum vt permittitur quod scilicet dominis exhereditatis existentibus in Anglia de regno Scocie restituantur terre sue *ita ordinatum est ad tractandum* quod quinque persone *alias nominale in diuersis tractatibus* videlicet Comes Atholie, domini de Percy, de Beaumont, de Talbot, et de Ferrers, *pro bono pacis* rehabeant terras suas Etiam pro bona pace habenda quod aliis diuersis videlicet Dominis Godfrido de Roos Patricio Macowlach Edwardo de Lechmere et Willielmo de Westheryngton sint sue hereditates restitute et quod dominus Alexander de Mowbray habeat ad summam centum marcatarum terre Etiam quod ille de regno Scocie qui fuerunt ad pacem regis Anglie videlicet existentes in Marchiis gaudeant terris suis Etiam quod ad terras quas vendicant heredes quondam domini de Walris infra regnum Scocie videtur prenotatis dominis super ipsis esse tractandum et quod si de aliis punctis concordari poterit ad bonam pacem non esse sic standum per hoc vt aliis concurrentibus impediatur tractatus.

Secundo quo ad terras concedendum *filio juniori* regis Anglie concordatum fuit sic esse tractandum quod mille librate terre infra Galwydiam que fuit hereditas quondam Edwardi de Balliolo concedantur eidem hereditarie etiam et similiter de Insula de Man que est valoris mille marcatarum cum tenendiis et pertinenciis earundem quod si ad hoc concordari non possit quin Comes de Salisberi habeat dictam insulam per ipsum tractatum concedatur et tractetur quod dicto filio regis Anglie loco illarum mille marcatarum de Man mille marce stirlingorum per annum de certis redditibus hereditarie sint concesse quousque terre ad eundem valorem sibi valeant assignari ita tamen quod vterque pro eisdem terris sit homo legius domini nostri regis Scocie.

Tertio quod pro bona pace habenda et omnimodis actionibus et reprobacionibus finaliter sedandis ad hoc tractetur secundum quod nuncii domini nostri regis viderint melius expediri vt dominus noster rex faciat guerram fieri ad tempus infra aliquas partes Hybernæ ad quas sui commodius accedere poterunt per potenciam vias et modos rationabiles et possibiles consideratis marchis regni Scocie et Hybernæ quibus sibi et suo consilio visum fuerit faciendum.

Preterea de tractatu habendo super pace reformanda si forte premissa omnia non sint accepta per partem aduersam, nec vellet per hoc assentiri ad pacem, volunt predicti domini et vnanimi consensu concordarunt antequam bona pax et perpetua relinquantur, omnino, quod concedatur solucio redempcionis debite tollerabiliter facienda, nec non mutua confederacio regnorum perpetuo, quamuis non per equalem potenciam, que tamen nullo modo sapiat seruitutem, vna cum omnibus supradictis si eorum aliqua nullo modo recindi valeant modificari uel minui per fidelem industriam tractatorum verum concessio terre vallis Anandie que petita est alias relinquitur regie voluntati.

Ceterum concordauerunt predicti domini congregati si forte defecerit tractatus pacis per vias pretactas tractandum esse super treugis et solucione redempcionis reformanda sic scilicet primo quod pro remissione et sedacione omnium penarum et reprobacionum remittantur penitus vinginti mille marche iam solute et deinde quod soluantur per annum quinque mille marche queusque sexies vinginti mille marche sint solute treugis durantibus pro tempore solucionis predictæ viz ad vinginti quatuor annos que si non valeant acceptari tractetur postea quod centum mille libre soluantur pro omnibus supradictis remittendo etiam vt supra vinginti mille marchas solutas et incipiendo de nouo vt omni anno soluantur quinque mille marche prorogatis treugis pro toto tempore solucionis vt supra quibus omnibus forte deficientibus affirmetur finaliter quod dictis vinginti mille marchis solutis omnino remissis soluantur centum mille marche infra decem annos quolibet anno videlicet decem mille marche prout in primo tractatu super deliberacione regis extitit concordatum.

Item ordinatum fuit per dictum consilium quod pecunia pro redempcione soluenda sic leuetur vt scilicet tocus lane regni

custuma ad summam octo mille marcharum per annum ad minus accendere estimetur, que vero custuma si tanta fuerit vel vberior per certos burgenses committendos per regem et eciam per literas sub communi sigillo burgerum de quibus fuerint et sub periculo communitatum eorundem recipiatur in Flandria in moneta regis Anglie ita tamen quod sit aliquis sufficiens ex parte regis ibidem qui astet continue et examinet ad domum ponderandi et sic fiat ibi solacio de octo mille marchis per annum vt in dicto primo tractatu est contentum ita quod intelligatur dicta solucio fieri si processum fuerit ad vltimam viam soluendi aliis recusatis.

Item ordinatum fuit quod fiat eciam contribucio omni anno, durante dicto decennio, sex denariorum de libra per totum, que leuetur per certos collectores annuatim eligendos, nulle persone parcendo, de qua per camerarium et aliam sibi per regem adiungendam personam sumantur. primo ante omnia alia, due mille marche per annum ad solucionem dictarum decem mille marcharum redempcionis complendum, residuum ipsius contribucionis permaneat cum camerario pro necessariis sumptibus domini nostri regis. manuceperunt eciam et efficaciter promiserunt prenominati domini omnes et singuli quod tractatum pacis siue treuge que dicti nuncii inient siue perficient cum rege Anglie et suo consilio per modos et vias prenotatas approbabunt ratificabunt confirmabunt et sub pena reprobacionis et periurii perficient in omnibus et inuiolabiliter obseruabunt et eciam quod ordinacionem factam pro contribucione leuanda et solucione redempcionis facienda tenebunt fideliter et implebunt nec ipsam in se vel in suis hominibus impediunt aut ei in aliquo contradicent.

Similiter quod non impetrabunt nec exigent clam vel palam pro se vel pro aliis a domino nostro rege aliquas terras wardas releuia vel maritagia fines vel escaetas medio tempore contingentes sed remanebunt integre in manibus camerarii ad vtilitatem regis vna cum residuo dicti contribucionis vt est dictum in casu quo per dictam vltimam viam concordetur super treugis et summa redempcionis soluenda et quia si premissa non seruariuntur sed procederetur forsitan in oppositum eorundem manifeste sequeretur annullacio contractus initi in obprobrium et graue dispendium regis prelatorum et procerum necnon destruccionem totius communitatis regni.

Promiserunt omnes et singuli dicti domini congregati fideliter et tactis sacrosanctis euuangelis personaliter iurauerunt quod contra quemcunque premissa vel premissorum aliquod infringentem impediendam seu contradicentem in aliquo cum sua tota potentia insurgent concorditer tanquam contra rebellem regis et rei publice subuersorem ac ipsum infractorem impeditorem seu contradictorem ad obseruacionem predictorum compellent sub pena reprobacionis et periurii vt premittitur et sub pena pariter fidelitatis sue infracte contra regiam maiestatem In cuius rei testimonium sigilla prenominatorum prelatorum et sigilla dicti domini Senescalli Scocie Comitis de Stratharne et domini Patricii Comitis Marchie et Moranie et domini Willielmi Comitis de Douglas qui ad premissa omnia et singula suum consilium adhibuerunt et consensum in presencia domini nostri regis apud Edinburgh corporali prestito iuramento licet personaliter non interfuerit cum ordinarentur primitus apud Perth vna cum sigillis domini predicti Comitis de Ross et aliorum procerum predictorum nec non communibus sigillis burgorum de Edinburgh Abriden Perth et Dunde presentibus sunt appensa Acta et data anno die et loco predictis.

LETTER G, page 165.

ORDINATIO CONSILII.

*Octauo die Maii anni millesimi trecentissimi sexagisimi sexti apud monasterium Sancti Crucis.*

Fuit per consilium ordinatum In primis quod cum super quatuor punctis videlicet homagio, successione, regni demembracione, ac subsidio gencium armorum perpetuo, per regnum Scocie regno Anglie et eciam infra propria duo regna et vltra per regnum Scocie extra regnum Anglie impendendo, fuisset aliquandiu tractatum, *finaliter refutatis primis tribus punctis tanquam intollerabilibus et non admissibilibus deliberatum* extitit fore super quarto puncto tractandum per nuncios a parlamento mittendos cum modificacione possibili habenda super eodem quarto puncto et in casu quo per quartum punctum tolerabiliter modificatum

finalis pax haberi non valeat vt petitur deliberatum, extitit quod iterum taxentur secundum verum valorem et antiquum per totum regnum terre et redditus tam ecclesiastici quam alii, et ipse taxationes ad parlamentum presententur, et eciam quod scribatur vicecomitibus quod ad certos dies sibi nominandos in scripto citari faciant coram ipsis diuites patrie et plebanos qui ad parlamentum non erunt, nec voluerunt permittere interesse ibidem, ad quos dies eciam erunt certe persone deputande per regem vel camerarium, et queratur a quolibet singillatim et ponatur in scripto quantum quisque dare voluerit gratis ad redemptionem regis infra tres annos proximo futuros complete soluendam, et ipse donaciones ibidem pariter presententur, ad finem quo dicto tractatu pacis deficiente, habeatur saltem in fine quatuor annorum quibus treuge sunt iam firmate totum residuum redemptionis Domini nostri regis in promptu soluendum vt vitari valeant omnes reprobaciones et pene si que per partem aduersam possent inpingi vel peti per instrumenta super magnis treugis et liberatione regis confecta.

## DE MONETA FABRICANDA.

Item quod fabricetur moneta de materia iam allata in regnum talis qualem fecit magister Jacobus in pondere et metallo ita quod in hiis equipolleat monete currenti in Anglia et fiat in ipsa signum notabile per quod possit ab omni alia prius fabricata euidenter cognosci quousque in proximo parlamento possit super hoc maturius auisari Et interim super mercede monetarii et operariorum conueniat camerarius pro parte regis cum ipsis preut melius poterit conuenire.

## LETTER H, page 171.

*Parlamentum tentum apud Sconam vicesimo die Julii anno gracie millesimo trecentesimo sexagessimo sexto et regni Domini nostri regis David tricesimo septimo summonitis et vocatis more debito et solito episcopis abbatibus prioribus comitibus baronibus libere tenentibus qui de Domino nostro rege tenent*



*in capite et de quolibet burgo certis burgensibus qui ad hoc fuerunt ex causa summoniti comparentibus omnibus illis qui debuerunt potuerunt vel voluerunt commode interesse absentibus vero quibusdam aliis quorum aliqui legitime excusati fuerunt aliqui vero quasi per contumaciam absentarunt videlicet Willielmus Comes de Rosse Hugo de Ross Johannes de Insulis Johannes de Lorn et Johannes de Haye.*

Cum ipsum parlamentum principaliter inter cetera fuerit statutum ad deliberandum de consensu et assensu illorum quorum supra super tractatu pacis habendo cum rege et regno Anglie in forma et super punctis vltimo reportatis per nuncios et super plenaria solucione redempcionis domini nostri regis facienda in fine treugarum iam per triennium duratarum in casu quo pax interim reformari aut vltiores treuge haberi non poterunt et super necessariis expensis regia et suorum nunciorum tunc mittendorum in Angliam Primo et principaliter super negociis pacis fuerunt ordinatum quod nuncii adhuc mitterentur in Angliam qui fuerunt nuper illic videlicet dominus episcopus Sancti Andree Dominus Robertus de Erskyn Magister Walterus de Wardlaw et Gillebertus Armistrang sicut aliam planam commissionem habentes ad tractandum de pace vt bona et perpetua possit firmari inter regna concedendo omnia que in primo instrumento facto sub sigillis dominorum fuerunt pro pace concessa et vltra tractando super quarto puncto videlicet subuencione guerratorum mutuo facienda quanto melius et ad minus grauamen fieri poterit sicut in vltimo instrumento sub sigillis vt supra inde facto super eodem puncto onerati fuerunt.

Et vltius hoc tractatu deficiente ad tractandum super prorogacione treugarum ad viginti quinque annorum exitum soluendo summam redempcionis que restat soluenda videlicet quolibet anno quatuor millia librarum vt habebatur alias in tractatu. Quantum vero ad secundum punctum sic ordinatum fuit, quod cum iam habeatur in certo per presentaciones hic factas tam antike extenti quam veri valoris omnium reddituum ecclesiarum et terrarum tam ecclesiasticarum quam mundanarum taxentur eciam omnia bona burgensium et husbandorum preter ones albas ad presens, et infra festum natiuitatis beate virginis proximo

futurum apud Edinburgh consilio presententur et tunc habita totali summa veri valoris omnium bonorum tocius regni ordinabatur contribucio leuenda generaliter et adequabitur libra libre vt leuentur extunc incontinenti octo mille marce ad expensas regis et ad eius debita soluenda in regno, et ad expensas nunciorum et non plus, cum magna custuma ordinetur ad dictam solucionem quatuor mille librarum pro redempcione vt premittitur facienda quousque nuncii reuertantur et ex hoc posset ordinacio quo ad tercium punctum videlicet. Quod cum dominus noster rex ordinauerit pro certiori magnam custumam suam ad solucionem dictarum quatuor mille librarum pro sua redempcione facienda, per annum, dicte quatuor mille libre leuentur de dicte contribucione leuenda et duo millia marcharum eciam de eadem contribucione mille marche videlicet ad soluenda debita regis et ad expensas suas interim faciendas et mille marce ad expensas nunciorum que quidem duo millia marce sic mutuata fuerunt vt haberentur in promptu videlicet per barones mille marche per clerum sexcente marche et per burgenses quadringinte marce que sibi refundentur cum dicta contribucio fuerit lenata. Plegiis ad solucionem faciendam burgensibus Domino Roberto de Erskyn et Domino Walterro de Bygar camerario Scocie.

Et fuit in dicto parlamento ad instanciam trium communitatum per regem expresse concessum et eciam publice proclamatum primo quod vnique fiat communis iusticia sine fauore cuiquam faciendo et absque accepcione cuiusunque persone et quod litere que emanauerint de capella regis aut aliter per alios ministros quibus incumbit facere iusticiam pro iusticia facienda non reuocentur per quascunque alias literas sub quocunque sigillo sed quod liceat ministris quibus tales litere destineantur ipsis non obstantibus iusticiam facere ac ipsas remittere indorsatas.

Item quod cum communitates se iam onerauerint ad tam onerosam solucionem faciendam tam pro redempcione domini nostri regis facienda, quam pro ipsius et nunciorum suorum necessariis et expensis, nichil de hiis que ad hoc ordinantur applicetur ad vsus alios quoscunque ex dono remissione vel aliter sed solum ad ea ad que sunt vt premittitur singulariter ordinata.

Item quod viri ecclesiastici et terre sue elemosinate gaudeant

suis libertatibus et priuilegiis et quod nulla alia onera vel impositiones sint eis imposite vltra onera in parlamento concessa et si qui sint impeditores assedacionis decimarum quod arceantur per regem ad querelam ipsorum qui in hoc grauati fuerint sic quod suis decimis possint pacifice et cum integritate gaudere sub pena excommunicacionis que ad clerum et decem librarum penes regem.

Item quod nichil capiatur a communitatibus ad vsus regis sine prompta solucione nec eciam aliqua capiantur ad pricam nisi vbi et secundum quod fieri consuevit et debet fiat infra tempus consuetum et debitum solucio prompta et debita pro eisdem.

Item quod isti rebelles videlicet de Atholia Ergadia Baydenach Lochaber et Rossia et alii si qui sint in partibus borealibus aut alibi arestantur per regem et ipsius potenciam ad subeundam communem iusticiam et ad contribucionem specialiter exsoluendam et aliter corigantur prout ad pacem vt vtilitatem communitatis et regni magis fuerit oportunum.

Item quod omnes officarii regis videlicet vicecomites et alii inferiores ministri tam infra burgum quam extra obediant camerario et aliis superioribus ministris sub pena amocionis eorundem ab ipsorum officiis sine spe restitutionis impofterum ad eadem.

Item quod non mittantur aliqui cum equis ad perhendingandum cum religiosis rectoribus vicariis aut husbandis nec aliqui cum quibuscunque equis mittantur in patriam qui consumant bona blada vel prata husbandorum vel aliorum aut aliquis hoc facere presumat sub pena que pro huiusmodi debet infligi pro quantitate delicti et qualitate persone.

Item quod remissiones regis concesse vel concedende pro quibuscunque transgressionibus sint casse et nulle nisi satisfiat parti infra annum a data earundem nisi forte manifeste steterit per illos quorum interest et de hoc illi quibus concesse fuerint remissiones huiusmodi fecerint sufficeientur doceri.

Item quod camerarius faciat in singulis burgis iuxta locorum facultates de hospitiiis competentibus prouideri.

Item quod nullus prelatus comes vel baro vel alius cuiuscunque condicionis existat ecclesiasticus vel secularis equitet cum maiori familia in personis vel equis quam deceat statum suum

ad destructionem patrie quodque nullus ducat secum lanceatos vel architenentes equitando per patriam nisi causa rationabilis subsistat de qua ministris regis super hoc questionem facientibus fidem facere teneantur sub pena incarcerationis corporum eorundem.

Item quod quilibet iter faciens siue moram per regnum solutionem faciat suis hospitibus et aliis de quibuscunque receptis et expensis suis utrobique rationabiliter et secundum forum patrie sic quod exinde nulla iusta querimonia audiat sub pena.

Item quod dominus noster rex faciat omnia et singula prenotata sub sigillo suo in scripto redigi et per singulos vicecomites publice proclamari.

LETTER I, page 174.

*Acta in parlamento tento apud Sconam vicesimo septimo die mensis Septembris cum continuacione dierum anno gracie millesimo trecentesimo sexagesimo septimo conuocatis tribus communitatibus regni congregatis ibidem Quedam certe persone electe fuerunt per easdem ad parlamentum tenendum data aliis causa autumpni licencia ad propria redeundi videlicet.*

Ex parte cleri electi fuerunt domini episcopi Sancti Andree Glasguensis Morauiensis Brechinensis Cancellarius et Dumbلائensis Prior Sancti Andree, Abbates de Dunfermelyn, de Aberbroth, et de Lundors, de clero eciam Sancti Andree, prepositus Sancti Andree, et Magister Alexander de Caroun de clero Glasguensis, Dominus Johannes de Carric Procurator Episcopi de Dunkelden cantor eiusdem, Procurator Episcopi Abirdonensis Magister Dauid de Marre, et Procurator Episcopi Rossensis, Decanus eiusdem.

Pro parte vero baronum Domini Senescallus Scocie Comes de Stratherne, Comes de Marr, Domini de Kyle et de Meneteth, Domini Willielmus de Keth marescallus Scocie, Robertus de Erskyn, Archibaldus de Douglas, Walterus de Lesley, Walterus de Haliburton, Hugo de Esglyntoun, Dauid de Grame, Decanus Wallays, Dauid Walteri &c absentibus contumaciter Comitibus de Marchia, de Ross, et de Douglas.

Et pro parte burgensium electi de Edynburgh Adam de Brounhill, et Andreas Bec, de Aberden, Willielmus de Leth, et Johannes Crab, de Perth, Johannes Gill et Johannes de Petsco-ty, de Dundee, Willielmus de Harden, et Willielmus de Innerpeffre, de Monross, Elisieus Falconar et Thomas Black, de Hadyngstoun Johannes de Heetoun et Magister Willielmus de Tauernent, et de Lychcu Thomas Lethe.

Cum super tribus punctis determinandis fuerit presens parlamentum ordinatum principaliter teneri. Primo videlicet quo ad modum viuendi regis, super quo dicti domini congregati deliberant per hunc modum videlicet quod vt dominus rex viuere possit, et debeat sine oppressione populi, omnes redditus firme, cane, custume, foreste, et officia ac alia emolumenta quecumque ac omnes terre tam dominice quam alie, in quorum possessione vt de feodo immediate recolende memorie dominus rex Robertus pater domini nostri regis qui nunc est, fuit tempore mortis sue, et quarum possessio siue proprietas ad jus et proprietatem corone tempore regis Roberti, aut tempore regis Alexandri, pertinere consuevit et debuit, cum reuersionibus debitis, ratione corone, et que reuersiones medio tempore contigerunt, eciam si dicte terre redditus et firme cane custume foreste et alia emolumenta que supra sint per dictum quondam dominum regem Robertum aut per dominum nostrum regem qui nunc est, aliquibus personis vel locis donata vel concessa ad certum tempus iam transactum vel sub certa limitatione condicione seu talliacione finita et extincta, et similiter terre per ipsum dominum nostrum regem vel suum camerarium assedate ad tempus, licet terminus seu exitus nondum venerit, plene et integre ab illis qui eas et ea hactenus habuerunt et ab omnibus aliis imposterum ad dictum nostrum regem et suam coronam reuocentur et redeant, cum ecclesiarum aduocacionibus, et debitis antiquis seruiciis perpetuo remansure, nec vnquam concedantur illis aut aliis nisi solum ex deliberacione et consensu trium communitatum. Et si illi quibus terre huiusmodi fuerunt concesse, habeant iam ipsorum aliquas in sua propria cultura, redactas, non assedatas ad firmam, compellantur ad soluendum tantam firmam ad terminum Sancti Michaelis proximo futurum pro ipsis terris pro quanta ille terre vel alique alie eque bone, posent in presenti rationabiliter et fide-

liter assedari, et quod omnes warde releuia maritagia et escaeta ac exitus curiarum regis quarumcunque remaneant ad sustentacionem domus sue in manibus camerarii pro utilitate domini nostri regis disponenda, et cum dominus noster rex aliquem pro merito promouere vel remunerari voluerit, hoc fiat tantum de mobilibus et cum bona deliberacione consilii si quis autem remuneracionem seu promocionem a domino rege impetrauerit et ipsum male informauerit de valore uel summa cum fuerit compertum quod ipse valor vel summa maior fuerit per quantitatem excessiuam ita quod impetracio illa surreptitia possit notari ipsam promotionem seu remissionem omnino amittet et reprobacionem incurret merito debitam in hoc casu; aut si aliquis impetrauerit a domino rege de dictis demaniis, seu terris reuersionibus et reuocationibus aliquam partem notabilem tanquam a rege et suo consilio, reprobandus penam subibit debitam et carebit nichilominus impetracione.

Item deliberant pro utilitate communi quod omnes regalitates libertates, infeodaciones, infeodacionum innouaciones, per quas warde, releuia, maritagia, secte curiarum aut alia quecumque seruicia communia domini nostri regis diminuta sunt in aliquo vel subtracta post mortem domini dicti regis Roberti, quibuscunque partibus; de nouo concessa reuocentur et cessent, omnino, et seruicia subeant communia cum vicinis prout facere consueuerunt ante concessam huiusmodi libertatem antiquis regalitatibus libertatibus et immunitatibus in suo fobore permansuris, et quod omnes carte et munimenta super reuocationibus et reuersionibus vel aliqua eorum confecte vel confecta hactenus, reddantur et restituantur apud Perth in scaccario, ibidem tenendo, in manus cancellarii et camerarii, infra quindecim dies festum epiphanie domini proximo futurum immediate sequentes, et nichilominus si alique carte vel munimenta huiusmodi penes personas aliquas abinde remanserint non reddite vel non reddita ex tunc casse irritae et nulle cassa irrita et nulla habeantur et perpetuo nullius sint momenti.

Secundum punctum uidelicet quantum ad municionem castro-ram requiratur in paruo registro. Quantum uero ad tertium punctum uidelicet disposicionem et statum regni deliberant quod si aliqua motina de nouo occurrant pro parte regia Anglie vel

pro parte nostra vltra alios tractatus per nuncios regni et per communitates negataque inducere poterunt bonam rationabilem et tollerabilem pacem vel treugarum prorogacionem vtilem habeant dominus noster rex et illi quos ipse ad tunc propinquius habere poterit de suis consiliariis juratis vicem et protestatem liberam prelatorum et procerum in hoc parlamento congregatorum eligendi nuncios et taxandi eorum expensas secundum laborem et negociorum exigenciam et personarum eligendarum qualitatem et statum absque convocacione super hoc parlamenti seu alterius consilii cuiuscunque, et quod propter promptitudinem et certitudinem solucionis redempcionis habende tota magna custuma leuatur ad ipsam solucionem faciendam videlicet viginti solidi de sacco. Et ordinatur quod ad nullum aliud applicetur, et vt patet ex deliberacione et ordinacione premissorum, cum ipsis demaniis alia propria domini regis redire debent ad manus suas, et reuerti. Inter que comprehenditur dimidia marca que solet solui de sacco lane, et sic proportionaliter de aliis mercandisiis consimilibus ad custumas. Habeant eciam dominus rex et illi quos ipse ad tunc propinquius habere poterit vicem et potestatem, vt supra ad ordinandum quasi per communem contribucionem leuari quantum recompensare valeat cum domino nostro rege ad sustentacionem domus sue, pro illa dimidia marca de custuma recepta ad solucionem redempcionis antedictae, quando scilicet saccum ad plenum videlicet in exitu scaccarii in proximo tenendi de custuma integra mercatorum ad quantum videlicet ascenderit vsque ad nonam lanam. Et sic si quid ad dictam recompensacionem faciendam leuatum aut contributum fuerit non erit tanquam ad expensas domus regis sed ad supplecionem redempcionis eius tantum vt patet ex precedentibus ad quam solucionem redempcionis tota communitas obligatur.

NOTE L, page 181.

*Parlamento tento apud Sconam duodecimo die mensis Junii cum continuatione &c. anno domini millesimo trecentesimo sexagesimo octauo convocatis prelatiis proceribus et burgensibus qui tunc voluerunt et potuerunt personaliter interesse aliis per commissarios comparentibus aliis autem contumaciter absentibus.*

Cum per relationem nunciorum nuper missorum ad curiam et presenciam regis Anglie domino nostro regi et toti communitati fuerit expresse nunciatum, quod non proficit inire nec attemptare tractatum cum rege et consillio Anglie super pace habenda, nisi per deliberacionem et commissionem generalis consilii regis, et regni mittatur ad tractandum in bona fidesuper vno quatuor punctorum, principaliter, concedendo alias per ipsos aduersarios petito vna cum aliis diuersis articulis ipsis punctis adiunctis ex parte omnium congregatorum in parlamento presenti. Habito per quatuor dies, et amplius, super premissis diligenti consilio et deliberacione matura deliberatum, fuit finaliter, quod cum adhuc restent treunge siue inducie vltimo capte et concordate inter regem et regnum vsque videlicet ad festum Purificacionis proximo futurum et deinde per vnum annum continuum et a tunc vsque rex fuerit per regem Anglie sub magno sigillo suo per dimidium anni spacium ante incepcionem guerre premunitus, non adhuc oportet nec expedit inire nec attemptare tractatum super aliquo dictorum punctorum concedendo, que alias in pleno parlamento ad quod plures et maiores interfuerunt quam nunc sunt hic presentes per tres communitates vnanimiter fuerant denegata, *que tanquam inconueniencia, intolerabilia et impossibilia obseruari reputabantur et expressam, inducencia seruitutem*, verum non deliberant quin aliter forte aliis deficientibus secundum quod tunc opportunum et expediens visum fuerit, possit attemptari in bona fide tractatus super ipsorum punctorum aliquo, cum punctis, articulis et moderacionibus, seruitutem per Dei graciā finaliter expellentibus si oportuerit concludendum.

Item deliberant quod quia necessarium est prouidere atque disponere super et pro defensione regni omnes dissensiones mote inter magnates et nobiles aliter quam per viam iusticie communis festinanter sopiri debeant et sedari per regem ita quod nullus inquietet alium aliter quam per processum communis iusticie quam quidem dominus noster rex vnique debeat semper administrare equaliter sine fauore aliquo et acceptione personarum.

Item diliberant quod insulani et illi de superioribus partibus compescantur per regem et Senescallum Scocie ne dampna inferant aliis sed quod in euentu guerre possint communitates tu-



*tum habere refugium inter eos.* Et sic dominus noster rex ibidem viva voce precepit et iniunxit expresse Senescallo Scocie, Comiti de Marre, Johanni Senescallo Domino de Kyle, et Roberto Senescallo, Domino de Meneteth, in fide et ligancia quam sibi debent et sub pena que incumbit quod ab omnibus existentibus, infra limites dominiorum suorum seruent communitates regni indempnes. Et quod scienter voluntarie seu inquantum obsistere poterunt malefactores aliquos dampna aliis illaturos per ipsos limites transire aut in ipsis receptari non permittant sub pena vt supra.

Item quod dominus noster rex statim sine more dispendio faciat Johanni de insulis per modum tactum inter ipsum et Senescallum Scocie ibidem et similiter Johanni de Loorn ac Gillaspie Cambel venire ad suam presenciam, et de ipsis securitatem capiat sufficientem per quam tota regni communitas ab eis et suis hominibus et adherentibus et quilibet eorum ab alio de cetero sint indempnes. Et etiam faciat quod ipsi et sui homines subeant labores et onera cum suis comparibus et vicinis.

Preterea videtur dictis dominis congregatis ad cautelam et securitatem maiorem quod dominus noster rex debeat scribere statim adhuc, cum instancia, regi et consilio Anglie super diebus reparacionum et emendacionum petendis teneri et assignandis de dampnis et iniuriis factis et illatis super marchiis iuxta colloquium factum inter ipsos in parlamento presenti.

Et deliberant quo ad custodias marchiarum quod statim dominus noster rex habeat consilium cum Comitibus Marchie et de Douglas alias constitutis custodibus marchiarum in oriente licet non sint iam bene dispositi ad laborem et secundum ausamentum eorum et consilium custodes constituat celeriter et prudenter sed in occidentibus partibus remaneat Dominus Archibaldus de Douglas custos sicut prius.

Et quantum ad castra deliberant, quod dominus noster rex mittat cum camerario Scocie hos milites subscriptos videlicet Dominos Waltherum de Lesly, Waltherum de Haliburtoun, Hugonem de Esglintoun, et Waltherum Moygne vna cum custodibus castrorum quos ipse dominus noster rex habere voluerit ad quatuor castra regia, videlicet Lacus de Leuyn, Edynburgh, Struelyn, et Dunbartan, visitanda et quod secundum quod per visum

ipsorum dicta castra indiguerint tam in hominibus tempore guerre quam in municione murorum in victualibus instrumentis et aliis necessariis ad ipsa castra debite et decenter tenenda contra hostes sine dilacione aliqua eis faciat provideri. Et quod aut per dictos milites aut per alios providos et circumspectos rex faciat indilate visitari alia castra et si inuenerint ea defensibilia et inexpugnabilia inter ipsum et dominos in quorum dominiis siue custodiis ipsa castra fuerint situata ordinetur celeriter de municione ipsorum tam in hominibus quam in victualibus et aliis necessariis vt supra finanter absque more dispendio precipiat ea perstrui sub pena, &c.

Est eciam ordinatum quod quia non adhuc videbatur expediens communitati imponere contribuciones aliquas vel collectiones debeant leuari de sacco lane viginti sex solidi et viii<sup>co</sup> denarii ad custumas regis et sic proportionaliter de coriis & pellibus custumandis quousque cessatum fuerit a solucione redempcionis vel aliter pro expensis domus regis ordinatis. Et quia in quibusdam partibus non sunt oues sed animalia alia habundant ordinant quod in partibus illis leuetur vna summa martorum ad expensas dicte domus que iuxta visum peritorum de consilio equipolleat oneri quod incumbit lane ouium in custuma.

Ordinatum est discussum et puplice proclamatum in presenti parlamento quod omnes processus facti super iudiciis contradictis quorum discussio et determinacio ad parlamentum pertinent presententur cancellario ante parlamentum proximum tenendum. Et quod omnes partes ad proximum parlamentum compareant ad audiendum et recipiendum determinaciones ipsorum. Et discernitur quod ista premunicio seu proclamacio preualet citationes ac si mitteretur per breue de capella regia.

NOTE M, page 185.

Vniuersis presentes literas inspecturis Johannes de Yle Dominus Insularum salutem in omnium saluatore Cum serenissimus princeps ac dominus meus metuendus dominus Dauid Dei gracia rex Scottorum illustris contra personam meam propter quasdam negligencias meas commissas commotus fuerit propter quod ad ipsius domini mei presenciam apud Villam de Inuernys die quin-

to decimo mensis Nouembris anno gracie millesimo trecentesimo sexagesimo nono in presencia prelatorum et plurium procerum regni sui accedeus humiliter ipsius domini mei voluntati et gracie me optuli et summi de huiusmodi negligenciis remissionem et gratiam suppliciter postulando Cumque idem dominus meus ad instanciam sui consilii me ad suam beneuolenciam et gratiam graciosè admiserit concedens insuper quod in possessionibus meis quibuscunque remaneam non amotus nisi secundum processum et exigenciam juris Vniuersitati vestre per presencium seriem pateat euidenter, quod ego Johannes de Yle predictus promitto et manucapio bona fide quod de dampnis iniuriis et grauaminibus per me filios meos et alios quorum nomina in literis regiis de remissione michi concessis plenius exprimuntur, quibuscunque regni fidelibus hucusque illatam satisfaccionem faciam et emendas terras et dominia in subiectis iuste regam et pro posse gubernabo, pacifice filios meos et homines et alios nobis adherentes subici faciam prompte et debite domino nostro regi legibus et consuetudinibus regni sui et iustificabiles fieri, et quod obedient et comparebunt iusticiariis, vicecomitatibus, coronatoribus, et aliis ministris regiis, in singulis vicecomitatibus, prout melius et obediencius aliquo tempore bone memorie, domini regis Roberti predecessoris mei: et inhabitantes dictas terras et dominia sunt facere consueti, et quod respondebunt prompte, et debite, ministris regis de contribucionibus et aliis oneribus et seruiciis debitis imposterum et eciam de tempore retroacto, et in euentu quod aliquis vel aliqui infra dictas terras seu dominia, deliquerit vel deliquerint contra regem seu aliquos vel aliquem de suis fidelibus et iuri parere contempserit, seu contempserint, aut in premissis vel premissorum aliquo obedire noluerit, vel noluerint, ipsum seu ipsos tanquam inimicum vel inimicos et rebellem seu rebelles regis et regni dolo et fraude omnino remotis statim prosequar toto posse quousque a finibus terrarum et dominiorum expulsus vel expulsi fuerit vel fuerint aut ipsum vel ipsos parere fecero iuri communi, et ad hec omnia et singula facienda implenda et fideliter obseruanda in predictorum prelatorum et procerum presencia corporale prestiti iuramentum; insuper et dedi et concessi obsides infra scriptos, videlicet Donaldum, filium meum ex filia domini Senescali Sco-

cie genitum, Anagusium filium quondam Johannis filii mei et Donnaldum quemdam alium filium meum naturalem quos quia tempore confeccionis presentis presentialiter promptos et paratos non habui, ipsos intrare seu reddi faciam apud castrum de Dunbretane ad festum natalis Domini proximo iam futurum si potero alias citra vel ad festum Purificacionis beate Virginis proximo inde sequens sub pena infraccionis prestiti iuramenti et sub pena amissionis omnium que erga dominum nostrum regem amittere potero, quouis modo, ad quorum obsidum intracionem vt premittitur faciendam dominum meum dominum Senescallum Scoeie Comitem de Stratherne fideiussorem inueni cuius sigillum causa fideiussionis huiusmodi et eciam ad maiorem rei euidentiam vna cum sigillo meo proprio est appensum presentibus in testimonium premissorum Actum et datum anno die et loco predictis.

LETTER N, page 211.

In the MS. Cartulary of Kelso, is to be found the following interesting and curious Rent-roll of the possessions of that rich religious house, which throws great light on the state of the agriculture of ancient Scotland.

Rotulus reddituum Monasterii de Kalchou tam de Temporalibus videlicet de antiquis firmis terrarum suarum, in burgis et extra burga, de antiquis exitibus grangiarum et Dominuorum suorum, quam de spiritualibus scilicet de pensionibus debetis in ecclesiis suis et de antique assedatione decimarum suarum ubi sub compendio factus.

*De Temporalibus.*

Habent monachi dicti Monasterii in vicecomitatu de Rokisburg in temporalibus Grangiam de Reveden. cum villa in puram elemosynam : ubi habent dominium in quo colebant per quinque carucas, et ubi possint habere unum gregem ovium matricum circa xx et pasturam ad boves suos. Habent ibi *octo terras husbandorum, et unam bovatum terre*, quarum quilibet fecit talia servicia aliquo tempore videlicet. Qualibet septimana in estate unum carragium cum uno equo apud Berwicum et

portabit equus tres bollas bladi, vel duas bollas salis, vel unum bollam cum dimidia carbonum, et in hyeme fecerunt idem cariagium, sed non portavit equus nisi duas bollas bladi, unam et dimidiam bollam salis, unam bellam et ferloch carbonum: et qualibet septimana anni cum venerint de Berwic fecit quilibet terra unam dietam de opere sibi injuncto.

Item quum non venerunt apud Berwic coluerunt qualibet septimana per duos dies; et in autumnno quum non venerunt apud Berwic fecerunt tres dietas; et tunc quilibet husbandus cepit cum terra sua (staht?) scil: duos boves unum equum tres celdras avine, sex bollas ordeï, et tres bollas frumenti. Et postmodum quum Abbas Ricardus mutavit illud servicium in argentum reddiderunt sursum suum staht, et dedit quilibet pro terra sua per annum xviii solidos. \* \* Habent ibi decem et novem cotagia, quorum octo decem quodlibet reddit per annum xii d. et sex dietas in autumnno recipiendo cibos suos; et adjuvabant circa locionem et tonsionem bidentum pro cibis suis; et decimum nonnum cotagium reddit xviii d. et novem dietas. Item solebant ibi duæ braccine esse, quæ reddebant duas marcas per annum. Habent ibi molendinum quod solebat reddere per annum novem marcas. Habent apud Hauden unam carrucatam terræ quam semper habuerunt in manu sua.

Habent apud Spronston duas *carucatas terræ* in Dominio ubi solebant colere cum duabus carucis, cum communi pastura dicte ville ad duodecim boves, quatuor asses et iii<sup>c</sup> hoggass. Habent ibi unam *bovatam* terræ quam Hugo Cay tenuit quæ solebat reddere per annum x solidos. Habent ibi sex cotagia quarum unum quod est propinquum domui vicarii habet sex acras terræ sibi pertinentes cum bracina quæ solebat reddere per annum sex solidos. Apud Scottoun habent duas acras terræ et communem pasturam pro iii<sup>c</sup> multonibus, et habent licenciam fodiendi focale quantum voluerint in illa communia, et solebant haberi unum hominem in molendino ibidem et unum porcum, et ibi solebant molere bladum suum de Colpinhopis, sed nunc quod habent licenciam habendi molendinum apud Colpinhopis et molere bladum suum ad proprium molendinum dabunt annuatim molendino de Schottoun dimidiam marcā.

Habent in tenemento de Yetham juxta molendinum de Col-

pinhopis tres acras terre cum communi pastura de Yetham quas molendinarius de Colpinhopis solebat tenere, et ibi solebant monachi habere et facere receptaculum bonorum suorum de Colpinhopis quum viderint aliquid periculum ex altera parte. Apud Cliftoun habent septem acras terre quas dnus ecclesie de Mole dedit pro pane benedicto inveniende.

Habent unam grangiam que vocatur Colpinopis ultra marchiam ubi possint colere cum duabus carucis pro tempore hiemali; et habere pasturam viginti boves et xx<sup>d</sup> vaccas, et post annum deponere sequelam suam, et v<sup>c</sup> oves matrices et ii<sup>c</sup> alios bidentes.

Apud Molle habent apud Altoriburn l acras terre arabilis et prati cum communi pastura ad iii<sup>c</sup> bidentes cum libero introitu et exitu, et ad decem boves et iiii assos, et habebunt in bosco de Scrogges stac et flac pro omnibus suis firmandis, et virgas pro reparacione carucarum suarum. \* \* \*

Habent villam de Bolden in qua sunt viginti ecto terre husbandorum quarum quilibet solebat reddere per annum vi sol. et viii denar. ad pentecostem et Sancti Martini, et faciendo talia servicia. Scil: metendo in autumpno per quatuor dies cum tota familia sua quilibet husbandus et uxor sua; et faciet similiter quintam dietam in autumpno cum duobus hominibus. Et quilibet cariahit unum plaustrum petarum vel pullis usque ad Abbatiam in aestate et non plus. Et quilibet husbandus faciet cariagium per unum equum de Berwick una vice per annum et habebunt victum suum de Monasterio quum faciunt hujusmodi servitium, et quilibet eorum solebat colere quolibet anno ad grangium de Newton unam acram terre, et dimidiam acram, et herciabit cum uno equo per unum diem, et quilibet inveniet unum hominem in locotione bidentum et alium hominem in tonsione sine victu et respondebunt sibi de forinseco servicio et de aliis Sectis, et cariabunt bladum in autumpno cum uno plastro per unum diem, et cariabunt lanam Abbatis de baronia usque ad Abbatiam et inveniet sibi cariagia ultra moram versus Lesmahago. Abbas Ricardus mutavit illud servitium in denar. per assedacionem fratris Willmi de Alincromb. tunc Camerarii Sui.

The limits to which this note must be confined will not allow me to give further extracts from this curious manuscript rental, demonstrating the riches of the early monasteries. It appears,

in the concluding pages of it, that Kelso possessed no less than thirty-four churches, the united rents of which amounted to the sum of v<sup>l</sup>i lib. xi solid. iiii denarii.

The rental was drawn up previous to 1316.

LETTER O, page 256.

*Slavery of the Lower Orders.*

In the ancient manuscript Cartulary of Dunfermline, and page 541 of the Macfarlane transcript, is to be found the deed entitled, "Perambulatio inter terras Abbatis de Dumferm. et terrarum David Hostiarii. scilicet Dunduf. 1231," which illustrates the comparative situation of the higher classes and the lower orders, in the thirteenth century. A jury of *probi homines* are therein summoned by the precept of the king, to determine the marches between the lands of David Durward and the domain of the Abbey, who take the evidence of the countrymen residing on the spot, and determine the question. The jury are the freemen; and their names are, with a few exceptions, Saxon and Norman names: the witnesses were evidently the *nativi bondi*, who were the property of their lord; and their names are almost exclusively Celtic.

In the same Cartulary, p. 592, will be found a deed entitled, "Assisa Super Alano, filio Constantini et duobus filiis," by which we find that, in 1340, an assize was held in the churchyard of Kartyl before David Wemyss, sheriff of Fife, to determine whether Alan, the son of Constantine, and his two sons, were the property of the Abbot of Dunfermline, or of the Earl of Fife, when it was found, "per fidelem assisam fide dignorum et nobilium," that these persons belonged to the Lord Abbot of Dunfermline. See the same Cartulary, p. 654, for the names of the slaves given by David, probably David the First, to the church of Dunfermline. Their names, Marcoran, Mevynir, Gyllemichael, Malmuren, Gillecrist, Gillemahagu, are, with one or two exceptions, Celtic.

## LETTER P, page 257.

*State of the Lower Orders.*

In the same valuable Cartulary, p. 145, are to be found many genealogies of the slaves, or bondmen, who belonged in property to the monastery, which show how carefully the marriages, the families, and the residence, of this unfortunate class of men were recorded. I shall subjoin one of them :

*Genealogia Edillblac.*

“ Edillblac genuit W. de Lathanland, Willmus Constantinum, Constantinus Johannem qui vivit : Iste sunt homines de Dumferm. et remanentes. Gilbertus de Cupromal manet in Balnry in schyra de Rerays. Galfr. de Dumberauch manens apud Dumberauch. Cristinus filius adæ manens apud Westerurcharde Ego filius Gilberte manens in terra Ach de Kynros.<sup>1</sup> Joannes filius Kynect manens apud Walwein, Oenenus freberner manens apud hichir mokédi. Patricius frater ejus manens apud Renkelouch Mauricius Colms. manens apud Petyn Kyr.”

In other genealogies, the place of the death and burial of the bondman is particularly specified.

## LETTER Q, page 440.

*Arms and Armour.*

This assize of arms will be found in the manuscript Cartulary of Aberbrothock, M<sup>r</sup>Farlan Transcript, p. 295.

“ Quod quilibet homo de regno laicus habens decem libras in bonis habeat pro corpore suo in defensionem regni unam sufficientem aketonam, unum bacinetum et cyrotecas de guerre, cum lancea et gladio. Et qui non habuerit aketonam et bacinetum

<sup>1</sup> This proves that the meaning attached to the terms “clerici nativi,” p. 158, supra, is correct.



habeat unum habergellum, vel unum bonum ferrum pro corpore suo, unum capellum de ferro et cyrotecas de guerra, ita quod quilibet sit paratus cum attyliis predictis citra octavas paschi proxime futuri. Et quecunque habens decem libras in bonis, non habuerit tunc omnia armorum attylia predicta, perdat omnia bona sua. Ita quod dnus rex habeat unam medietatem bonorum, et dnus illius qui in defectu fuerit repertus habeat aliam medietatem. Et dnus rex vult quod singuli vicecomites regni cum dnis locorum inquirent super his, et faciant monstracionem statim post octavas Paschæ predictas. Praeterea dnus rex vult et precipit quod quicunque habens valorem unius vacce in bonis habeat unam bonam lanceam, vel unum bonum arcum, cum uno scafo sagittarum, videlicet viginti quatuor sagittis, cum pertinenciis sub pena prescripta."

#### LETTER R, page 444.

##### *Dress of the Ladies.*

I shall give the passage in the original, from the beautiful edition of this interesting and curious poem, published in 1814 by Didot :

" Puis li revest en maintes guises  
 Robes faites par grans maistrises  
 De braus dras de soie, ou de laine  
 De scarlate ou de tirelaine,  
 De vert, de pers ou de brunete  
 De color fresche, fine et nete  
 Ou moult a riches pennes mises  
 Erminees, vaires ou grises  
 Puis les li oste, puis repole  
 Cum li aiet bien robe de soie  
 Cendaus, molequins Arrabis  
 Indes vermaus jaunes, et bis  
 Samis dispres, Camelos  
 Por neant fut ung angelos  
 Tant est de contenance simple  
 Autrefois li met une gimple  
 Et par dessus ung cuevrechief  
 Qui cuevre la gimple et le chief

Ains ne cuevre par le visage.  
 Qu'il ne vuet pas tenir l'usage  
 Des Sarrasins, qui d'estamines  
 Cuevre les vis as Sarrasines  
 Quant eus trespasent par la voie  
 Que nuz trespasans ne les voie  
 Tant sunt plein de jalouse rage.  
 Autrefois li reprunt corage  
 D'oster tout, et de mettre guindes  
 Jaunes, vermeilles, vers et indes.  
 Et tréceors gentiz et gresles  
 De soie et d'or à menus peales,  
 Et deus la crespine atache  
 Une moult precieuse atache  
 Et par deus la crespinette  
 Une coronne d'or grelete  
 Ou moult ot precieuses pierres,  
 Et biaux chastons a quatre quierres  
 Et a quatre demi-compas  
 Sans ce que ge ne vous cont pas  
 L'autre perrerie menue  
 Qui siet entor espece et drue  
 Et met à ses deus oreillettes  
 Deus verges d'or pendans greletes  
 Et por tenir la cheveçaille  
 Deus fermaus d'or pendans greletes  
 En mi le pis ung en remet  
 Et de li ceindre s'entremet;  
 Mes c'est d'ung si tres-riche ceint  
 C'onques pucele tel ne ceint.  
 Et pent au ceint une aumosniere  
 Qui moult est precieuse et chiere  
 Et cinq pierres i met petites  
 Du rivage de mer eslites.  
 Dont puceles as martiaus gevent  
 Quant beles et rondes les trevent  
 Et par 'grant ententi li chauce  
 Et chacun pie soler et chauce  
 Entaillies jolivetement  
 A deus dole du pavement  
 N'ert pas de hosiaus estrenee  
 Car el n'ert pas de Paris nee  
 Trop par fust rude chaucemente  
 A pucele de tel jovente

D'une aiguille bien aillée  
 D'or fin de fil d'or enfilée  
 Là a, por miex estre vestues  
 Ses deux manches estroit cosues  
 Puis li baille flore novelettes  
 Dont ces jolies puceletes  
 Font en printemps lors chapeles  
 Et pelotes et oiseles  
 Et diverses choses noveles  
 Delitables as damoiseles.  
 Et chapeles de flore li fait  
 Mes n'en veistes nul si fait  
 Car il met s'entente toute  
 Anelez d'or es dois li bonte  
 Et dit cum fins loiaus espous  
 Bele donie, ci vous espous  
 Et deviens vestres et vous mole  
 Ymeneus et Juno m'oie  
 Qu'il voillent a nos noces estre  
 Ge'ni quier plus ni clere ne prestre,  
 Ne de Prelaz mitres ne croces  
 Car cil sunt li vrai diex des noces.

Pp. 294-298 inclusive, vol. iii.

#### LETTER 8, page 445.

##### *Useful and Ornamental Arts.*

There yet remain a few gleanings of information upon the state of some of the ornamental and useful arts in Scotland, too scanty to be included under any separate division, and which yet appear of importance, when we are collecting every scattered light which may serve to illustrate the manners and civil history of the country. At a very early period, for instance, we can just trace an interesting attempt of David the First, to soften the manners of his people by introducing a taste for gardening. He spent some portion of his time, as we learn from his friend and contemporary, in his orchard in planting young trees, or in the more difficult operation of grafting; and it was his anxious desire to encourage the same occupations amongst his subjects. The gardener appears constantly in the Chamberlain's Accounts as

an established servant, attached to their different palaces and manors. Alexander the Third had his gardeners at Forfar and Menmoreth.<sup>1</sup> The royal garden at Edinburgh appears as early as 1288; and the Cartularies contain ample evidence, that the higher nobles and dignified clergy, and even the lesser knights and barons, considered their gardens and orchards as indispensable accompaniments to their feudal state.<sup>2</sup>

It must be evident to any one who has perused this Enquiry, that besides this elegant branch of rural economy, many of the other useful and ornamental arts must have arrived, during this period, at a state of very considerable perfection in Scotland. The pitch of excellence, for instance, to which the architecture of the country had attained, necessarily includes a correspondent excellence in the masons, the carpenters, the smiths, the plumbers, the plasterers, the painters, and the glaziers, of those remote times. The art of working skilfully in steel and iron must have been well known, and successfully practised, by a people and a nobility armed and accoutred for war, in the fashion we have just described; and the mysteries of embroidery and needlework, with the professions of the clothier, silk-merchant, milliner, and tailor, could not fail to thrive and become conspicuous in so splendid a court, and amid such a display of dames and knights as we have seen thronging the royal residences during the course of the thirteenth and fourteenth centuries. The jeweller, too, the goldsmith, and the enameller, must have been lucrative professions, where the girdles, ear-rings, brooches, tiaras, and jackets of velvet, powdered with pearls, were conspicuous articles in female dress; and where the palls, copes, rocquets, crosiers, censers, and church plate, were still more sumptuous and extravagant. There is, accordingly, decided evidence in the Chamberlain's Accounts, that the art of working in the precious metals had attained to considerable perfection, although in the sumptuous extent of their gold and silver plate, the kings and nobles of Scotland appear to have been very far inferior to

<sup>1</sup> Chamberlain's Accounts, Temp. Alex. III., p. 13. Item gardinario de Forfar, de illo anno v. marc. Item gardinario de Menmoreth de illo anno i marc. See also pp. 59. 112.

<sup>2</sup> Robertson's Index, p. 86.

the splendour and extravagance of their English neighbours.<sup>1</sup> It must be remembered, also, that the most splendid specimens of the armour, jewellery, and gold and silver work, which are met with in the wardrobe books of the times, or which we read of in the descriptions of contemporary historians, were of Italian, Flemish, or Oriental workmanship, imported from abroad by the Scottish merchants. In the sketch of the learning of those remote times, I have said nothing of the state of the healing arts, during a period when it may be thought, from the frequency of war and bloodshed, their ministration was much called for. But, unfortunately, upon this subject no authentic data remain, upon which an opinion may be formed; yet it has been already seen that our kings had their apothecaries and physicians. As to the actual skill, the prescriptions and operations of such persons, we are quite in the dark; but, if we may form our opinion from the low and degraded condition of the healing art in England at the same period, the patient who fell into the hands of these feudal practitioners must have rather been an object of pity than of hope. And it is probable, that a sick or wounded knight had a better chance for recovery from the treatment of the gentle dames or aged crones in the castles, whose knowledge of simples was often very great, than from the mixture of quackery and superstition which was inflicted upon him by the accredited leeches of the times.

<sup>1</sup> Chamberlain's Accounts, pp. 98, 187, 228, 411.

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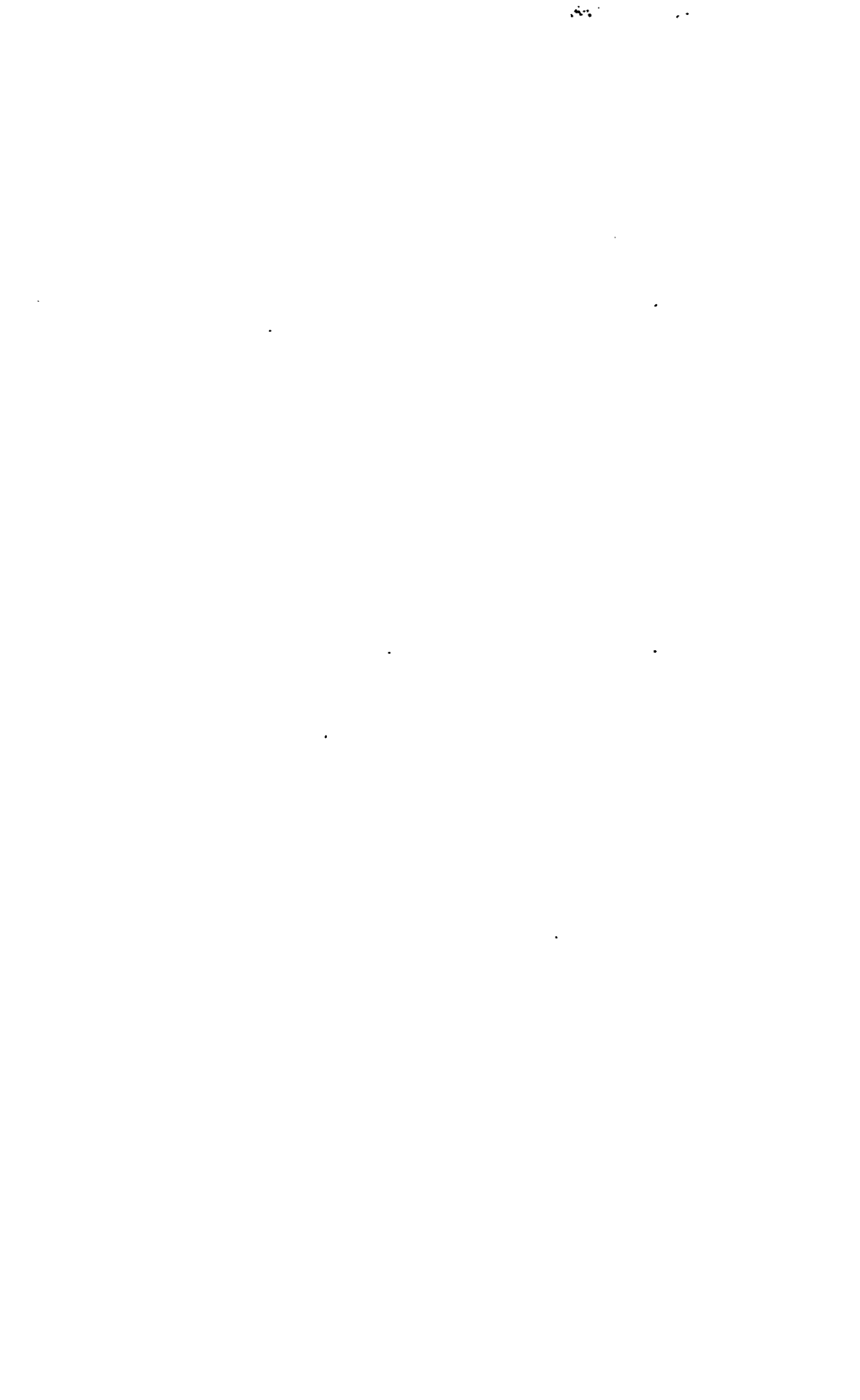
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